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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   WILLIE D. RANDLE,   No. 2:16-cv-2419 KJN P

12   Plaintiff,

13   v.   ORDER

14   M. GOODWIN, et al.,

15   Defendants.

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17   Plaintiff is a state prisoner, proceeding pro se. On April 6, 2017, plaintiff filed a notice of

18   substitution of Doe parties and sought service of process on the newly-named defendants. On

19   June 2, 2017, defendants Bobbola and Goodwin filed a motion to dismiss. However, on June 1,

20   2017, plaintiff presented an amended complaint to prison authorities for mailing, which was filed

21   with this court on June 5, 2017. On June 7, 2017, defendants Bobbola and Goodwin requested

22   the court screen the amended pleading, and be relieved of their obligation to file a responsive

23   pleading until further order of court.

24   Under the mailbox rule,[1] plaintiff's amended complaint was filed as of right prior to the

25   filing of the motion to dismiss. Because the motion to dismiss is directed to the original

26   complaint, which is now superseded by the amended complaint, defendants' motion to dismiss is

27   _____

[1] See Campbell v. Henry, 614 F.3d 1056, 1059 (9th Cir. 2010) (under the mailbox rule, the
28   petition is deemed filed when handed to prison authorities for mailing).

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moot and is denied. Defendants' request to screen the amended complaint is granted; the

pleading will be screened by separate order. In addition, plaintiff included his claims against

defendants Tripoli and Yang in his amended complaint; thus, his notice of substitution of their

names for those named as Doe defendants in the original complaint, is also moot and is denied.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's notice of substitution (ECF No. 9) is denied without prejudice;

2. Defendants' motion to dismiss (ECF No. 13) is denied without prejudice;

3. Defendants' request for screening (ECF No. 15) is granted; and

4. Defendants Bobbola and Goodwin are relieved of their obligation to file a responsive

pleading until further order of court.

Dated: June 12, 2017

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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