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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARL FOUST,  
Plaintiff,  
v.  
KUKU-OJO, et al.,  
Defendants.

No. 2:16-cv-2731 WBS AC P

ORDER


By order filed February 11, 2019, plaintiff was directed to notify the court whether he wanted to proceed on his complaint as screened or amend the complaint. ECF No. 36. Plaintiff has returned the notice, but instead of choosing one option as he was directed, he has selected that he wants to both proceed on the screened complaint and amend the complaint. ECF No. 39. He cannot do both. Plaintiff will be given one more opportunity to tell the court what he wants to do. He must decide to either proceed on the screened first amended complaint or amend the complaint.

In accordance with the above, IT IS HEREBY ORDERED that within fourteen days of service of this order, plaintiff shall complete and return the attached form notifying the court whether he wants to proceed on the screened complaint or whether he wants to file a second

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///

1 amended complaint. If plaintiff returns the notification and checks both options, or if he does not  
2 return the form, the court will assume that he wants to amend the complaint.

3 DATED: February 21, 2019

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5 ALLISON CLAIRE  
6 UNITED STATES MAGISTRATE JUDGE  
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v.  
O. KUKU-OJO, et al.,  
Defendants.

No. 2:16-cv-2731 WBS AC P

PLAINTIFF'S NOTICE ON HOW TO  
PROCEED

Check one:

Plaintiff wants to proceed immediately on his Eighth Amendment claim against defendant Kuku-Ojo without amending the complaint. Plaintiff understands that by going forward without amending the complaint he is voluntarily dismissing without prejudice his claims against defendants McAtee, Fox, and Price.

Plaintiff wants to amend the complaint.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Carl Foust  
Plaintiff pro se