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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL AARON WITKIN,
Plaintiff,
v.
M. LEE, et al.,
Defendants.

No. 2:17-cv-0232 JAM CKD P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. On October 09, 2018, plaintiff filed what the court construes as a motion for reconsideration of the court’s finding that plaintiff did not adequately plead a claim plaintiff identifies as negligence arising under California law in his second amended complaint. Upon reconsideration, the court finds that the claim is adequately plead.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for reconsideration (ECF No. 17) is granted;
2. Plaintiff will be permitted to proceed on his claim arising under California law; and
3. In a separate order, the court will order that defendants Alvarez, Dinh, Lee, Matteson, Maurino, Arnold and Neuschmid be served with process.

Dated: October 16, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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