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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER LIPSEY, Jr.,  
  
Plaintiff,  
  
v.  
  
RON BARNES, et al.,  
  
Defendants.

No. 2:18-cv-0362 KJM DB P

ORDER

Plaintiff is a state prisoner proceeding with an action under 42 U.S.C. § 1983. Plaintiff alleges defendants’ implementation and use of the Guard One security check system violated his Eighth Amendment rights. On January 3, 2018, defendants filed a motion to dismiss this action. Defendants allege, among other things, that they are entitled to qualified immunity because the Guard One system was implemented pursuant to a court order issued in the Coleman v. Brown class action.

On March 5, 2019, the district judge issued a ruling granting in part and denying in part the defendants’ similar motion to dismiss in Rico v. Beard, 2:17-cv-1402 KJM DB P. This court finds briefing on any effects of the Rico ruling on defendants’ present motion would be helpful.

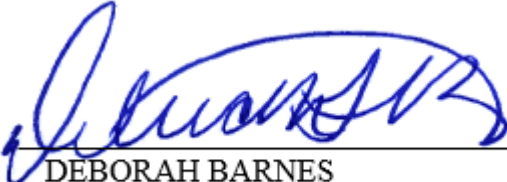
Accordingly, IT IS HEREBY ORDERED as follows:

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1. Within thirty days of the date of this order, defendants shall file a supplement to their motion to dismiss which addresses any effects on that motion of the district court's March 5, 2019 decision in Rico.
2. Within twenty days of the filing of defendants' supplemental brief, plaintiff shall file a response. Within ten days thereafter, defendants may file a reply.

Dated: March 13, 2019



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DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

DLB:9  
DB/prisoner-civil rights/lips0362.mtd supp brfs