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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES LEE MATHEWS,  
Plaintiff,  
v.  
COUNTY OF SACRAMENTO, et al.,  
Defendants.

No. 2:23-cv-01021 DB P

ORDER

Plaintiff, a former state prisoner, proceeds pro se and seeks relief under 42 U.S.C. § 1983. Plaintiff’s complaint asserts claims involving the alleged abrupt termination of medications at the Sacramento County Main Jail. (See ECF No. 1 at 1.) The court notes plaintiff checked the box for both “Original Complaint” and “First Amended Complaint” on the first page of the complaint.

A review of the docket indicates plaintiff has another civil action pending concerning the alleged abrupt termination of prescribed medications at the Sacramento County Main Jail: Mathews v. County of Sacramento, et al., Case No. 2:23-cv-0922-KJM-DB (E.D. Cal.). In that case, plaintiff was ordered to file a complaint within 30 days of the court’s February 16, 2024 order. (ECF No. 11.)

The undersigned finds that plaintiff’s complaint initiating this case should have been filed as an amended complaint in his earlier civil rights action, Mathews v. County of Sacramento, et

1 al., Case No. 2:23-cv-0922-KJM-DB (E.D. Cal.). Accordingly, the undersigned will order the  
2 complaint to be filed in that case as a first amended complaint. The undersigned will screen the  
3 first amended complaint in due course.

4 In accordance with the above, IT IS HEREBY ORDERED as follows:

5 1. The Clerk of Court is directed to file a copy of plaintiff's complaint in the present  
6 case as a first amended complaint in Mathews v. County of Sacramento, et al., Case No. 2:23-cv-  
7 0922-KJM-DB (E.D. Cal.), the earlier-filed civil rights action.

8 2. Plaintiff is directed to use the case number 23-cv-0922 for all future filings.

9 3. Plaintiff's motion to proceed in forma pauperis (ECF No. 4) and motion to respond  
10 (ECF No. 5) are denied as moot.

11 4. The Clerk of the Court is directed to close this case as it was opened in error.

12 Dated: June 4, 2024

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DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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