

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

JEFF S. GOUGH-ADSHIMA,  
CDCR #V-64431,  
  
Plaintiff,  
  
vs.  
  
ARNOLD SCHWARZENEGGER, et al.,  
  
Defendants.

Civil No. 08-0992 IEG (NLS)

**ORDER GRANTING PLAINTIFF'S  
MOTION TO REOPEN CASE AND  
FILE FIRST AMENDED COMPLAINT**

**[Doc. No. 8]**

On May 29, 2008, Jeff Gough-Adshima (“Plaintiff”), a former state inmate and proceeding pro se, filed a civil rights Complaint pursuant to 42 U.S.C. § 1983. The Court issued an Order on July 3, 2008 granting Plaintiff’s Motion to Proceed *in forma pauperis* (“IFP”) and sua sponte dismissed his Complaint for failing to state a claim and for seeking money damages against immune Defendants. (*See* July 3, 2008 Order at 6-7.) Plaintiff was given leave to file an Amended Complaint but never did so. (*Id.*) On March 25, 2009, Plaintiff filed a “Motion to Vacate, Set Aside and Reopen the Civil Proceedings” pursuant to FED.R.CIV.P. 60(b) [Doc. No. 5].


///  
///

1 On March 30, 2009, Plaintiff's Motion for Relief from Judgment [Doc. No. 5] pursuant to  
2 FED.R.CIV.P. 60(b) was **GRANTED**. See Mar. 30, 2009 Order at 2. The Clerk of Court was directed  
3 to reopen the case. Plaintiff was also granted forty five (45) days in which to file a First Amended  
4 Complaint and he was informed that he must cure the deficiencies of pleading noted in the Court's July  
5 3, 2008 Order. *Id.*

6 Plaintiff has now filed a "Motion to Reopen with Order to File Nunc Pro Tunc First Amended  
7 Complaint" [Doc. No. 8]. He has also attached a declaration in which he describes his attempts to file  
8 a First Amended Complaint. See Decl. of Jeff Gough at ¶¶ C-F. The Court will **GRANT** Plaintiff's  
9 Motion to Reopen and permit Plaintiff to file the First Amended Complaint which is attached to his  
10 Motion. The Clerk of Court is directed to enter into the docket, as a separate entry, the "First Amended  
11 Civil Rights Complaint" beginning on page seven (7) of Plaintiff's Motion to Reopen [Doc. No. 8].  
12

13 **IT IS SO ORDERED.**

14  
15 **DATED: June 29, 2009**

16   
17 **IRMA E. GONZALEZ, Chief Judge**  
18 **United States District Court**

19  
20  
21  
22  
23  
24  
25  
26  
27  
28