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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DONALD C HAYES,

Plaintiff,

v.

STATE OF WASHINGTON,  
DEPARTMENT OF CORRECTIONS,  
et al.,

Defendants.

CASE NO. 3:16-CV-05095-BHS-DWC

ORDER

The District Court has referred this action, filed pursuant to 42 U.S.C. § 1983, to United States Magistrate Judge David W. Christel. On March 16, 2017, the Court ordered Plaintiff Donald C. Hayes to file a fourth amended complaint to correct deficiencies in his Third Amended Complaint. *See* Dkt. 137. In the Order, the Court stated:

Upon receipt of the fourth amended complaint, the Court will screen the pleading and determine if Plaintiff has cured the deficiencies identified in this order. Defendants shall not file a response to the fourth amended complaint until so ordered by this Court.

*Id.* at p. 3.

1 On April 13, 2017, Plaintiff filed his Fourth Amended Complaint. Dkt. 140. In the Fourth  
2 Amended Complaint, Plaintiff alleges claims against Defendants Department of Corrections,  
3 Elizabeth Suiter, Amy Reyes, Sara Smith, and Tuan Duong. *See id.* The Court has screened the  
4 Fourth Amended Complaint under 28 U.S.C. § 1915A and directs these five Defendants to file  
5 and serve an answer to the Fourth Amended Complaint or a motion permitted under Rule 12 of  
6 the Federal Rules of Civil Procedure on or before May 19, 2017.<sup>1</sup>

7 Dated this 19th day of April, 2017.

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10 David W. Christel  
11 United States Magistrate Judge

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23 <sup>1</sup> While Plaintiff corrected some deficiencies found in the Third Amended Complaint, the Court notes  
24 Plaintiff's Fourth Amended Complaint may still suffer from deficiencies. For example, the claims alleged against  
Defendant Suiter appear to be barred by the statute of limitations. *See* Dkt. 13, 140. However, as Defendants have  
been served in this case, the Court declines to dismiss any claims at this time and directs Defendants to raise any  
defenses in responsive pleadings.