IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD GOMEZ,

Plaintiff,

v.

A. RAMIREZ, et al.,

Defendants.

No. 2:20-CV-0757-TLN-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. Pending before the Court is Defendants' motion, ECF No. 36, for screening.

Plaintiff filed his first amended complaint in this action on September 8, 2021. See ECF No. 23. On November 29, 2021, Defendants filed a motion to dismiss. See ECF No. 29. On June 6, 2022, the Court issued findings and recommendations that Defendants' motion to dismiss be granted and that Plaintiff be provided an opportunity to file a second amended complaint. See ECF No. 34. No objections to the findings and recommendations were filed and the matter is now before the District Judge.

On August 4, 2022, Plaintiff prematurely filed a second amended complaint. See ECF No. 35. In the currently pending motion for screening, Defendants ask the Court to screen the second amended complaint before they are required to respond. See ECF No. 36. This request is granted. Not only is the August 4, 2022, second amended complaint premature, it was

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filed absent an order from the District Judge granting leave to do so. For these reasons, the Court agrees with Defendants that they should not be required to respond at this time. The Court will direct a response, if appropriate, following resolution of Defendants' motion to dismiss by the District Judge.

IT IS SO ORDERED.

Dated: September 12, 2022

DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE