

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

THOMAS HIGHTOWER,

CASE NO. 1:04-cv-06028-OWW-SMS (PC)

Plaintiff,

ORDER DISREGARDING DEFENDANTS'
MOTIONS TO DISMISS FOR FAILURE TO
STATE A CLAIM AND FOR FAILURE TO
EXHAUST ADMINISTRATIVE REMEDIES
AS MOOT

v.

ARNOLD SCHWARZENEGGER, et. al.,

Defendants.

(Docs. 75, 97)

Plaintiff, Thomas Hightower, ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action was previously proceeding on Plaintiff's Second Amended Complaint, filed August 13, 2007. (Doc. 31.) However, on September 11, 2009 Magistrate Judge Sandra M. Snyder issued a new order re-screening the Second Amended Complaint in light of changed pleading standards. Ashcroft v. Iqbal, ___ U.S. ___, 129 S.Ct. 1937 (2009); Moss v. U.S. Secret Service, 572 F.3d 962 (9th Cir. 2009).

Based on the foregoing, Defendants' Motions to Dismiss under Fed. R. Civ. P. 12(b) and 12(b)(6) filed November 25, 2008 and April 9, 2009, are HEREBY DISREGARDED AS MOOT.

IT IS SO ORDERED.

Dated: September 16, 2009/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE