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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FRANK GONZALES,  
Plaintiff,  
v.  
MATTHEW L. CATE, et al.,  
Defendants.

Case No. 1:06-cv-01420-AWI-MJS (PC)  
**ORDER DISREGARDING MOTION FOR  
SUMMARY JUDGMENT**  
**(ECF No. 137)**

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, initiated this civil rights action pursuant to 42 U.S.C. § 1983 on October 13, 2006. (ECF No. 1.) The matter proceeded against Defendants Lantz, Garrison, Nichols, Deathriage, and Govea on Plaintiff's Eighth Amendment claims and against Defendants Garza, Franco, Mayes, Cate, Fernando, Marrujo, and Fuentes on Plaintiff's First Amendment claims.

Defendants, with the exception of Defendant Garza, filed motions for summary judgment. (ECF Nos. 117 & 118.) Plaintiff failed to file oppositions despite being afforded multiple extensions of time to do so. (See ECF No. 129.) Accordingly, on March 14, 2014, the action was dismissed with prejudice for failure to obey a court order and failure to prosecute, and the case was closed. (ECF No. 135.)

On November 26, 2014, Defendant Garza filed a motion for summary judgment. (ECF No. 137.) Defendant Garza contends that the other Defendants were dismissed from this action and that the case proceeds against him alone. (ECF No. 137-1 at 2.)

1 Defendant Garza is incorrect. This action has been dismissed in its entirety and  
2 the case closed. Accordingly, Defendant Garza's motion for summary judgment (ECF  
3 No. 137) is HEREBY DISREGARDED.

4  
5 IT IS SO ORDERED.

6 Dated: December 4, 2014

*/s/ Michael J. Seng*  
7 UNITED STATES MAGISTRATE JUDGE