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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LEONARD FARLEY,

Plaintiff,

v.

DR. HAROLD TATE,

Defendant.

CASE NO. 1:06-cv-1760-LJO-MJS (PC)

ORDER VACATING ECF No. 44

AND

DIRECTING DEFENDANT TATE TO  
ANSWER PLAINTIFF'S AMENDED  
COMPLAINT BY AUGUST 25, 2010

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Plaintiff Leonard Farley ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

After the Ninth Circuit held that Plaintiff had stated a claim against Defendant Tate, overruling this Court's dismissal of such claim, the Court ordered Plaintiff to complete and return a USM-285 form for the purpose of serving Plaintiff's Amended Complaint on Defendant Tate. Because Defendant Tate has already been served with a copy of Plaintiff's Amended Complaint, such order was unnecessary. Accordingly, the July 15, 2010 Order Directing Plaintiff to Submit Service Documents [ECF No. 44] is VACATED.

Although the Ninth Circuit issued its mandate on July 13, 2010, Defendant Tate has not yet answered Plaintiff's Amended Complaint. Accordingly, Defendant Tate shall answer or otherwise respond to Plaintiff's Amended Complaint not later than **August 25, 2010.**

IT IS SO ORDERED.

Dated: August 5, 2010

Isl. Michael J. Seng

UNITED STATES MAGISTRATE JUDGE

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