

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

RAFAEL LOPEZ, CASE NO. 1:07-cv-00808-LJO-DLB PC  
Plaintiff, ORDER DISREGARDING MOTION  
v. (Doc. 40)

DAVIS, et al.,

## Defendants.

Plaintiff Rafael Lopez (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation, proceeding pro se and in forma pauperis in this action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants, Davis, and Flowerdew for violation of the Eighth Amendment. On January 28, 2010, Plaintiff filed a motion regarding his opposition. Plaintiff requests to inform the Clerk of the Court that the Court granted Plaintiff’s opposition. Plaintiff appears to be referring to the denial of Defendants’ motion to dismiss for failure to exhaust administrative remedies. This is not an issue in dispute. The Clerk is aware of the status of this action.

Plaintiff also inquired as to a perceived delay in his lawsuit. On August 4, 2009, the Court issued its discovery and scheduling order, setting forth all the relevant deadlines, including deadline to amend pleadings, discovery cut-off date, and dispositive motion deadline. This action is proceeding in due course. Accordingly, Plaintiff's motion is **DISREGARDED**.

IT IS SO ORDERED.

Dated: June 9, 2010

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE