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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

John Fratus,

Plaintiff,

vs.

Sergeant Peterson, et al.,

Defendants.

) No. CV-08-1500-ROS

) **ORDER**

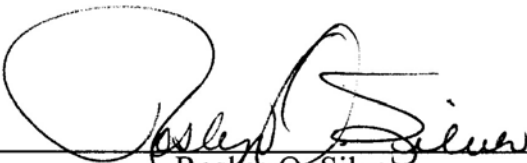
Defendants seek dismissal of Plaintiff’s claims based on his alleged failure to exhaust administrative remedies. Plaintiff is a prisoner at the California State Prison Corcoran. According to the complaint, on July 12, 2006, Plaintiff was assaulted by various prison officers. Plaintiff allegedly was assaulted again on January 10, 2007. The present case is a civil rights action premised on these two assaults. Defendants have moved to dismiss, arguing Plaintiff did not complete the administrative review process for the July 12 incident and did not file any administrative complaint for the January 10 incident. Defendants have not clearly identified the administrative steps taken by Plaintiff regarding the July 12, 2006 incident. Defendants shall be required to submit additional evidence regarding the administrative claim arising from this incident. In particular, Defendants shall submit evidence 1) explaining the discrepancies identified by Plaintiff on page five of his opposition, and 2) that no second level review was obtained.

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Accordingly,

**IT IS ORDERED** Defendants shall submit the evidence outlined above no later than January 6, 2010.

DATED this 14<sup>th</sup> day of December, 2009.

  
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Roslyn O. Silver  
United States District Judge