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5 **UNITED STATES DISTRICT COURT**

6 EASTERN DISTRICT OF CALIFORNIA
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9 ANTHONY CRAIG HUCKABEE,) 1:09-cv-00749-LJO-BAM (PC)
10 Plaintiff,)
11 v.) ORDER DENYING DEFENDANT
12 MEDICAL STAFF at CSATF, et al.,) JEFFREYS’ MOTION TO DIMSIS THE
13 Defendants.) SECOND AMENDED COMPLAINT AS
14) MOOT
) (ECF No. 95)

15 Plaintiff Anthony Craig Huckabee (“Plaintiff”), a state prisoner proceeding pro se and in
16 forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983. On August 21, 2012,
17 Plaintiff filed a second amended complaint. (ECF No. 33.) This action proceeds against
18 Defendants McGuiness, Wu, Nguyen, Jimenez, Jeffreys, Chief Medical Officer at CSATF, and
19 Chief Pharmacist at CSATF.¹ On December 9, 2013, Defendant Jeffreys filed a motion to
20 dismiss the second amended complaint pursuant to Federal Rule of Civil Procedure 12(b) for
21 failure to state a claim against him. (ECF No. 95.)

22 On July 9, 2014, Plaintiff lodged a third amended complaint. (ECF No. 158.) On July
23 16, 2014, Defendants McGuiness, Wu, Jeffreys and Nguyen filed a statement of non-opposition
24 to Plaintiff’s filing of a third amended complaint. (ECF No. 160.) On July 21, 2014, the Court
25 construed Plaintiff’s lodged third amended complaint as a request for leave to amend. Given
26 Defendants’ stated non-opposition, the Court granted Plaintiff’s request and directed him to file a
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28 ¹ Defendant Jimenez has not been served or appeared yet in this action.

1 comprehensive third amended complaint within thirty days. (ECF No. 162.) On August 14,
2 2014, Plaintiff filed his third amended complaint. (ECF No. 165.)

3 As Plaintiff has filed a third amended complaint, Defendant Jeffrey's motion to dismiss
4 the second amended complaint is DENIED as moot. The Court will screen Plaintiff's third
5 amended complaint in due course.

6 IT IS SO ORDERED.

7 Dated: August 18, 2014

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE