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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD ERNEST ANAYA,

Plaintiff,

v.

HERRINGTON, et al.,

Defendants.

Case No. 1:09-cv-01653 AWI DLB PC

**ORDER REQUIRING DEFENDANTS TO
FILE OPPOSITION OR STATEMENT OF
NON-OPPOSITION TO PLAINTIFF'S
MOTION TO DISMISS ACTION
TEN DAY DEADLINE**

Plaintiff Richard Ernest Anaya is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Defendants have answered the complaint and the action is currently in the discovery phase.

On August 19, 2013, Plaintiff filed a Motion to Dismiss this action. Pursuant to Federal Rule of Civil Procedure 41(a)(2), the dismissal would be without prejudice.

Accordingly, IT IS HEREBY ORDERED that Defendants file an opposition or statement of non-opposition to Plaintiff's Motion to Dismiss within ten days of the date of service of this order.

IT IS SO ORDERED.

Dated: August 20, 2013

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE