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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

IRA GREEN,

Plaintiff,

v.

JOHN CHAKOTOS,

Defendant.

Case No. 1:11-cv-01611 LJO DLB PC

ORDER DISMISSING DEFENDANT’S  
MOTION TO STRIKE THIRD AMENDED  
COMPLAINT

[ECF No. 53]

Plaintiff Ira Green (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s Second Amended Complaint, filed on May 3, 2013, against Defendant Chakotos for a claim of deliberate indifference in violation of the Eighth Amendment. Defendant filed an answer to the SAC on August 25, 2014, and the Court issued a scheduling order on August 26, 2014.

On October 2, 2014, Plaintiff lodged a Third Amended Complaint. Defendant moved to strike the Third Amended Complaint on October 10, 2014, and Plaintiff filed an opposition on October 29, 2014. However, on October 15, 2014, the Court directed the Clerk of Court to return the lodged complaint to Plaintiff. Therefore, Defendant’s motion is now moot.

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Accordingly, IT IS HEREBY ORDERED that Defendant's motion to strike the Third Amended Complaint is DENIED as moot.

IT IS SO ORDERED.

Dated: November 11, 2014

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE