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6 **UNITED STATES DISTRICT COURT**

7 **EASTERN DISTRICT OF CALIFORNIA**

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11 WILBUR ATCHERLEY,) 1:12cv00225 LJO DLB PC
12 Plaintiff,)
13 vs.) ORDER DIRECTING DEFENDANTS TO
14 CLARK, et al.,) RESPOND TO PLAINTIFF’S OBJECTIONS
15 Defendants.) TO DEFENDANTS’ NOVEMBER 4, 2014,
) ANSWER TO SECOND AMENDED
) COMPLAINT
) (Document 177)

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17 Plaintiff Wilbur Atcherley (“Plaintiff”) is a state prisoner proceeding pro se and in forma
18 pauperis in this civil rights action.

19 On September 10, 2014, the Court granted Plaintiff’s motion to file an amended
20 complaint in part. Specifically, Plaintiff was permitted to name Doe Defendants and add
21 allegations against them. The Court also stated, “[a]s the Second Amended Complaint will not
22 alter any allegations against any Defendant who has appeared, amended answers are not
23 necessary.” ECF No. 110, at 7.

24 On November 4, 2014, Defendants filed an answer to the Second Amended Complaint.

25 On December 1, 2014, Plaintiff filed “objections” to paragraphs 49 and 50 of the
26 November 4, 2014, answer. Plaintiff argues that Defendants have altered these paragraphs from
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1 admissions to denials. He contends that he relied on the admissions during the discovery
2 process, and discovery is now closed.

3 The Court ORDERS Defendants to respond to this objection within fourteen (14) days of
4 the date of service of this order. In their response, Defendants should explain the alterations, as
5 well as their position on reopening discovery to permit Plaintiff to propound discovery related to
6 their changes.¹ Plaintiff does not need to file a reply.
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8 IT IS SO ORDERED.

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10 Dated: January 5, 2015

/s/ Dennis L. Beck
11 UNITED STATES MAGISTRATE JUDGE
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28 ¹ The Court notes that Defendants have opposed Plaintiff's pending motion to reopen discovery, though his motion did not involve discovery relating to the altered paragraphs in the answer.