	FES DISTRICT COURT STRICT OF CALIFORNIA
WILBUR ATCHERLEY, Plaintiff, vs. CLARK, et al.,) 1:12cv00225 LJO DLB PC)) ORDER STRIKING ANSWER TO) PLAINTIFF'S SECOND AMENDED) COMPLAINT)) (Document 146)
Defendants.)

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

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

On November 4, 2014, Defendants Clark, Ceballos, Borbolla, Holt, Rios, Torres, Abadia and Ross filed an answer to the Second Amended Complaint.

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

On January 5, 2015, the Court ordered Defendants to respond to the objections.

Defendants filed their response on January 21, 2015. Defendants explain that the first alteration was in response to a different exhibit to the Second Amended Complaint, and that the second alteration was inadvertent. In any event, Defendants did not intend to negate their admissions from their prior answers.

Defendants suggest that the Court strike their November 4, 2014, answer, which would leave their March 14, 2014, answer as the operative pleading. This will alleviate any confusion, as well as the need to reopen discovery.

Accordingly, the Court STRIKES Defendants' November 4, 2014, answer (Document 146) from the docket.

IT IS SO ORDERED.

Dated: January 27, 2015

15/ Dennis L. Beck

UNITED STATES MAGISTRATE JUDGE