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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HORACE MANN WILLIAMS,)	1:12cv00730 LJO DLB PC
)	
Plaintiff,)	ORDER GRANTING DEFENDANTS’
)	REQUEST FOR CLARIFICATION
vs.)	REGARDING RESPONSIVE PLEADING
)	STATUS
)	[ECF No. 45]
MARISOL, et al.,)	
)	ORDER MODIFYING ORDER OF
Defendants.)	AUGUST 11, 2014
)	[ECF No. 44]

Plaintiff Horace Mann Williams (“Plaintiff”) is a prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 28 U.S.C. § 1983.

On October 9, 2013, Defendants Agu, Valdivia, Sica, and Trimble filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) on the grounds that the complaint failed to state a claim on which relief may be granted, and under the unenumerated provisions of Federal Rule of Civil Procedure 12(b) on the grounds that Plaintiff failed to exhaust administrative remedies before filing suit. On March 26, 2014, Defendant Lopez filed a motion to dismiss, only under unenumerated Rule 12(b), for failure to exhaust.

Following the Ninth Circuit’s decision in Albino v. Baca, 747 F.3d 1162 (9th Cir. 2014), the Court issued an Order converting the exhaustion portions of Defendants’ motions to dismiss in a motion for summary judgment.

1 On August 11, 2014, the Court issued an Order directing Defendants to file an answer to
2 the complaint within thirty days. The Order did not address the portion of the Defendants'
3 motion to dismiss under Rule 12(b)(6). On August 15, 2014, Defendants filed the instant request
4 for clarification.

5 Defendants are informed that the Court considers the motion to dismiss under Rule
6 12(b)(6) to be the pending responsive pleading as to Defendants Agu, Valdivia, Sica and
7 Trimble. The motion will be addressed in the near future. At this time, a responsive pleading is
8 only required as to Defendant Lopez.

9 Accordingly, the Court hereby MODIFIES its prior Order of August 11, 2014, to reflect
10 that only Defendant Lopez is required to answer the complaint. In light of the confusion,
11 Defendant Lopez is GRANTED thirty (30) days from the date of service of this Order to answer
12 the complaint.
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15 IT IS SO ORDERED.

16 Dated: September 2, 2014

/s/ Dennis L. Beck
17 UNITED STATES MAGISTRATE JUDGE
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