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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CESAR ENCISO,

Plaintiff,

v.

DR. MOON, et al.,

Defendants.

Case No. 1:12-cv-00924-LJO-SKO (PC)

ORDER STRIKING UNENUMERATED
RULE 12(B) MOTION TO DISMISS,
VACATING ORDER GRANTING
EXTENSION OF TIME TO RESPOND, AND
GRANTING DEFENDANTS THIRTY DAYS
TO FILE RESPONSIVE MOTION

(Doc. 35)

Plaintiff Cesar Enciso (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 7, 2012. This action is proceeding against Defendants Moon, Alcantar,¹ Silva, Doe 1, and Doe 3 for violation of the Eighth Amendment of the United States Constitution and for negligence under California law. Plaintiff’s claims arise of the denial of adequate medical treatment at North Kern State Prison in Delano, California.

On February 28, 2014, Defendants Moon, Alcantar, and Silva (“Defendants”) filed an unenumerated Rule 12(b) motion to dismiss on the ground that Plaintiff failed to exhaust the available administrative remedies. 42 U.S.C. § 1997e(a); Fed. R. Civ. P. 12(b). On March 24, 2014, Plaintiff was granted a thirty-day extension of time to file a response to the motion. Local Rule 230(I).

¹ Identified in the complaint as Alcator.

