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

EDDIE HARRIS,

Plaintiff,

v.

HASKY, et al.,

Defendants.

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Case No. 1:12-cv-01426-LJO-SKO (PC)

ORDER DISREGARDING OPPOSITION  
TO STRICKEN MOTION TO DISMISS

(Doc. 27)

Plaintiff Eddie Harris, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 30, 2012. On April 17, 2014, Plaintiff filed a document entitled “Motion for Denial of Dismissal of Complaint.”

The filing is Plaintiff’s opposition to Defendants’ motion to dismiss for failure to exhaust rather than a motion. However, Defendants’ motion to dismiss was stricken from the record on April 8, 2014, in light of *Albino v. Baca*, \_\_ F.3d \_\_, \_\_, No. 10-55702, 2014 WL 1317141, at \*1 (9th Cir. Apr. 3, 2014) (en banc). Given that the motion is no longer pending before the Court, Plaintiff’s opposition is HEREBY DISREGARDED.

IT IS SO ORDERED.

Dated: April 22, 2014

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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