UNITED STATES DISTRICT COURT	
EASTERN DISTRICT OF CALIFORNIA	
CHESTER RAY WISEMAN,	1:12-cv-01730-AWI-JLT (PC)
Plaintiff, v.	ORDER DISMISSING DEFENDANTS C. HERRERA AND D. NELSON WITH PREJUDICE AND DEEMING THEIR MOTION
C. HERRERA, et al.,	FOR SUMMARY JUDGMENT WITHDRAWN
Defendants.	(Docs. 37, 41, 42, 45)
<ul> <li>Plaintiff is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. §</li> <li>1983. On December 19, 2014, Defendants C. Herrera and D. Nelson filed a motion for summary</li> <li>judgment based on Plaintiff's failure to exhaust administrative remedies on his claims against</li> <li>them before filing suit. (Doc. 37.) Subsequently, Plaintiff filed a notice of voluntary dismissal</li> <li>with prejudice as to Defendants C. Herrera and D. Nelson. (Doc. 42.) Defendants C. Herrera and</li> <li>D. Nelson filed a statement of non-opposition and indicated that, if Plaintiff's request to dismiss</li> <li>them is granted they withdraw their motion for summary judgment. (Doc. 45.)</li> <li>Good cause having been presented to the court and GOOD CAUSE APPEARING</li> <li>THEREFOR, IT IS HEREBY ORDERED that:</li> </ul>	
(1) Defendants C. Herrera and D.	Nelson are DISMISSED from this action with
prejudice;	
(2) the motion for summary judgr	nent filed by Defendants C. Herrera and D. Nelson
on December 19, 2014 (Doc. 3	37), is deemed WITHDRAWN;
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	EASTERN DIST CHESTER RAY WISEMAN, Plaintiff, v. C. HERRERA, et al., Defendants. Plaintiff is a prisoner proceeding pro 1983. On December 19, 2014, Defendants C judgment based on Plaintiff's failure to exhau them before filing suit. (Doc. 37.) Subseque with prejudice as to Defendants C. Herrera an D. Nelson filed a statement of non-opposition them is granted they withdraw their motion f Good cause having been presented to THEREFOR, IT IS HEREBY ORDERED th (1) Defendants C. Herrera and D. prejudice; (2) the motion for summary judgr

1	(3) Plaintiff's motion for an extension of time to file his opposition to the motion for
2	summary judgment is disregarded as moot; and
3	(4) this action proceeds against Defendants R. Godinez, A. Martinez, and B. Martinez.
4	IT IS SO ORDERED.
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6	Dated: <u>February 10, 2015</u> SENIOR DISTRICT JUDGE
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