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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 DANA GRAY,

12 Plaintiff,

13 vs.

14 ROMERO, et al.,

15 Defendants.  
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1:13-cv-01473-DAD-GSA-PC

**ORDER DENYING MOTIONS AS MOOT  
(ECF Nos. 189, 213, 225, 234, 236, 238.)**

17 **I. BACKGROUND**

18 Dana Gray (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action  
19 pursuant to 42 U.S.C. § 1983. This case was filed on September 12, 2013. (ECF No. 1.)

20 On May 4, 2017, the court issued an order striking Plaintiff’s Fifth Amended  
21 Complaint, filed on May 2, 2017, as filed in violation of the court’s order, without leave to  
22 amend. (ECF No. 206.)

23 Plaintiff filed motions on April 5, 2017, June 21, 2017, May 26, 2017, July 24, 2017,  
24 July 26, 2017, and August 7, 2017, which are now before the court.

25 **II. PLAINTIFF’S MOTIONS**

26 On April 5, 2017, Plaintiff filed a motion for a court order stating that her claims were  
27 properly exhausted and are timely against all defendants. (ECF No. 189.) On June 21, 2017,  
28 Plaintiff filed a motion for summary judgment. (ECF No. 225.) On May 26, 2017, July 24,

1 2017, July 26, 2017, and August 7, 2017, Plaintiff filed motions for the court to serve  
2 defendants with the Fifth Amended Complaint and the declaration of Dr. Donna Anderson.  
3 (ECF No. 213, 234, 236, 238.)

4 Given that Plaintiff's Fifth Amended Complaint was stricken from the record, and  
5 therefore there is presently no complaint on file for which this case can proceed, all of these  
6 motions are moot and shall be denied as such.

7 **III. CONCLUSION**

8 Accordingly, based on the foregoing, IT IS HEREBY ORDERED that:

- 9 1. Plaintiff's motion for a court order stating that her claims were properly  
10 exhausted and are timely against all defendants, filed on April 5, 2017, is  
11 DENIED as moot;
- 12 2. Plaintiff's motion for summary judgment, filed on June 21, 2017, is DENIED as  
13 moot;
- 14 3. Plaintiff's motions for the court to serve defendants with the Fifth Amended  
15 Complaint and the declaration of Dr. Donna Anderson, filed on May 26, 2017,  
16 July 24, 2017, July 26, 2017, and August 7, 2017, are DENIED as moot.

17  
18 IT IS SO ORDERED.

19 Dated: September 11, 2017

/s/ Gary S. Austin  
20 UNITED STATES MAGISTRATE JUDGE