

1
2
3 **UNITED STATES DISTRICT COURT**

4 EASTERN DISTRICT OF CALIFORNIA

5 DENIS K. ROTROFF,

6 Plaintiff,

7 v.

8 PAM AHLIN, et al.,

9 Defendants.

Case No. 1:13-cv-02017-LJO-MJS (PC)

ORDER DENYING DEFENDANTS'
MOTION TO DISMISS WITHOUT
PREJUDICE

ECF Nos. 11 and 15

10
11 Plaintiff Denis K. Rotroff, a civil detainee proceeding pro se and in forma pauperis, filed
12 this civil rights action pursuant to 42 U.S.C. § 1983 on December 10, 2013. (ECF No. 1) On
13 January 9, 2014, Defendants filed a notice of appearance and motion to dismiss. (ECF Nos. 10
14 and 11.) The Court has a statutory obligation to conduct an initial review of the Complaint for
15 sufficiency to state a claim. 28 U.S.C. § 1915(e)(2). As that screening has yet to take place
16 Defendants' motion to dismiss is untimely and must be dismissed.

17 Accordingly, it is hereby ORDERED that Defendants' motion to dismiss (ECF No. 11) is
18 DISMISSED without prejudice.

19
20 IT IS SO ORDERED.

21 Dated: August 27, 2014

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE