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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

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11 JUAN CARLOS MARTINEZ,

12 Plaintiff,

13 v.

14 BEARD, et al.,

15 Defendants.

Case No. 1:14-cv-00405-AWI-JLT (PC)

**ORDER REQUIRING DEFENDANTS TO FILE
AN OPPOSITION OR STATEMENT OF NON-
OPPOSITION TO PLAINTIFF'S OBJECTION
TO THE FINDINGS AND
RECOMMENDATIONS AND VOLUNTARY
DISMISSAL OF CERTAIN DEFENDANTS
(Docs. 38, 39)**

30-DAY DEADLINE

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17 Plaintiff, Juan Carlos Martinez, is a state prisoner in this civil rights action pursuant to 42
18 U.S.C. § 1983. Plaintiff filed this action on March 19, 2014. (Doc. 1.)

19 On November 7, 2014, Defendants filed a request for screening of the Second Amended
20 Complaint. (Doc. 32.) The Court screened the Second Amended Complaint (Doc. 31) and issued
21 a Findings and Recommendations on March 11, 2015 (Doc. 37). Plaintiff filed objections to the
22 Findings and Recommendations (Doc. 38) requesting leave to and a notice of voluntary dismissal
23 without prejudice of Defendants Beard, Katavich, Youssef, M.D., and Marshal (Doc. 39).
24 Though not titled as a motion, the issues raised therein are such that the Defendants should have
25 opportunity to be heard.

26 Accordingly, it is HEREBY ORDERED that within 30 days of the date of service of this
27 order, all Defendants for whom counsel is entered in this case shall file either an opposition or a
28 statement of non-opposition both to the issues raised in Plaintiff's objections to the Findings and

1 Recommendations and to Plaintiff's voluntary dismissal of Defendants Beard, Katavich, Youssef,
2 M.D., and Marshall; it is FURTHER ORDERED that if Defendants oppose the motion, Plaintiff
3 may file a reply thereto within 15 days.

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5 IT IS SO ORDERED.

6 Dated: April 14, 2015

/s/ Jennifer L. Thurston
7 UNITED STATES MAGISTRATE JUDGE
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