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8            **UNITED STATES DISTRICT COURT**

9                   EASTERN DISTRICT OF CALIFORNIA

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11    FELIPE GARCIA,                                Case No.  1:14-cv-00625-LJO-SAB (PC)

12             Plaintiff,                           ORDER RELIEVING DEFENDANTS OF
                                                    OBLIGATION TO FILE A RESPONSIVE
13        v.                                        PLEADING UNTIL THE ISSUE OF
                                                    EXHAUSTION IS RESOLVED
14    J. HOBMEIER, et al.,

15             Defendants.

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17         Plaintiff Felipe Garcia is appearing pro se and in forma pauperis in a civil rights action

18    pursuant to 42 U.S.C. § 1983.

19         On August 23, 2016, the Court granted Defendants' ex parte request to file a pre-answer

20    motion for summary judgment and tolled the time for Defendants to file an answer until after the

21    decision on the motion for summary judgment.  (ECF No. 39.)  On October 19, 2016,

22    Defendants filed a pre-answer motion for summary judgment for failure to exhaust

23    administrative remedies.  (ECF No. 44.)

24         On July 26, 2017, the undersigned issued findings and recommendations recommending

25    denying Defendants' motion for summary judgment.  (ECF No. 56.)  On August 25, 2017, the

26    assigned district judge adopted the findings and recommendations to deny Defendants' motion

27    for summary judgment.  (ECF No. 59.)  On August 29, 2017, the undersigned issued an order

28    directing Defendants to respond to the complaint by September 8, 2017.  (ECF No. 60.)

On September 5, 2017, the assigned district judge issued an order amending the order adopting findings and recommendations, denying Defendants' motion for summary judgment, and referring the matter to the undersigned for the purpose of setting and conducting an evidentiary hearing on the issue of exhaustion. (ECF No. 61.)

Accordingly, IT IS HEREBY ORDERED that Defendants are relieved of the obligation to file a responsive pleading until the issue of exhaustion is resolved or until further order of the court.

IT IS SO ORDERED.

Dated:    **September 5, 2017**

UNITED STATES MAGISTRATE JUDGE

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