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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF CALIFORNIA
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7 GUILLERMO CRUZ TRUJILLO,
8 Plaintiff,
9 v.
10 GOMEZ, et al.,
11 Defendants.
12

Case No. 1:14-cv-01370-LJO-EPG (PC)
ORDER DENYING PLAINTIFF’S MOTION
TO SQUASH DEFENDANTS’ MOTION
FOR SUMMARY JUDGMENT FOR NON-
EXHAUSTION
(ECF NO. 79)
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14 Guillermo Cruz Trujillo (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma*
15 *pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. On July 5, 2017, Plaintiff
16 filed a motion to squash Defendants’ motion for summary judgment for non-exhaustion. (ECF
17 No. 79).

18 Plaintiff’s motion states that Plaintiff needed to file a motion with an explanation
19 concerning non-exhaustion of administrative remedies prior to filing this action. Plaintiff states
20 that he has exhausted his administrative remedies, and attaches evidence that appears to be
21 related to the issue of exhaustion. Plaintiff asks that the Court “Squash Defendant’s [sic]
22 Motion for Summary Judgment For Non-Exhaustion.”

23 Plaintiff’s motion will be denied. Defendants have not yet filed a motion for summary
24 judgment. The Court did not order Plaintiff to show that he exhausted his available
25 administrative remedies, and there is no requirement that Plaintiff do so. If Defendants do file
26 a motion for summary judgment for failure to exhaust administrative remedies, Plaintiff may
27 file an opposition, and he may submit all relevant evidence at that time.

28 Accordingly, based on the foregoing, IT IS ORDERED that Plaintiff’s motion to squash

1 Defendants' motion for summary judgment for non-exhaustion is DENIED.

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3 IT IS SO ORDERED.

4 Dated: July 6, 2017

/s/ Eric P. Gray
5 UNITED STATES MAGISTRATE JUDGE