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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MIKE BAKER,)	Case No.: 1:15-cv-00693-AWI-BAM (PC)
)	
Plaintiff,)	ORDER REGARDING DEFENDANTS' NOTICE
)	OF WITHDRAWAL OF MOTION FOR
v.)	SUMMARY JUDGMENT
)	
S. CACOA, et al.,)	(ECF Nos. 39, 52)
)	
Defendants.)	
)	
)	

Plaintiff Mike Baker is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On October 27, 2017, Defendants filed a motion for summary judgment for the failure to exhaust administrative remedies. (ECF No. 39.) On January 11, 2018, the motion was stayed to allow Plaintiff to take discovery regarding exhaustion-related matters. (ECF No. 50.) Other non-exhaustion discovery had previously been stayed. (ECF No. 43.)

Meanwhile, on January 3, 2018, the Court granted Plaintiff's motion to substitute the identity of Defendant Jane Doe. (ECF No. 47.) Plaintiff was granted thirty (30) days to file a second amended complaint for the purpose of substituting the identity of that unnamed defendant. (*Id.*) On January 26, 2018, Plaintiff filed his second amended complaint. (ECF No. 51.)

Currently before the Court is Defendants' notice of withdrawal of their motion for summary judgment, filed on January 26, 2018. (ECF No. 52.) Defendants state that they withdraw their motion for summary judgement in light of the filing of the second amended complaint, and will refile their motion after Plaintiff's second amended complaint is screened and after Defendants have answered.

1 (*Id.*) Defendants further state that they will continue to prepare responses to Plaintiff's discovery
2 requests pursuant of the Court's January 11, 2018 order. (*Id.*)

3 Based upon the foregoing, IT IS HEREBY ORDERED that Defendants' motion for summary
4 judgment, filed on October 27, 2017 (ECF No. 39) is deemed WITHDRAWN. The Clerk of the Court
5 is directed to terminate the motion.

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7 IT IS SO ORDERED.

8 Dated: January 29, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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