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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 WILLIAM FABRICIUS,

12 Plaintiff,

13 vs.

14 TULARE COUNTY, *et al.*,

15 Defendant.
16

Case No. 1:15-cv-01779-EPG

**ORDER SUSPENDING RESPONSIVE
PLEADING DEADLINE**

(ECF No. 71)

17 Plaintiffs Wendy Jones, William Fabricius and Brian Jones filed their original complaint
18 in this case on November 24, 2015. (ECF No. 1) Although Plaintiffs are represented by an
19 attorney, Christine Louise Garcia, they moved to proceed *in forma pauperis*, which was granted.
20 (ECF No. 8). Plaintiff Brian Jones voluntarily dismissed the case on May 16, 2016, (ECF No. 18).
21 Plaintiff Wendy Jones was dismissed on December 1, 2016. (ECF No. 58.) A motion to dismiss
22 was granted as to Fabricius. (*Id.*) Leave to file a Second Amended Complaint was granted as to
23 Fabricius only, with a final deadline set to file his amended complaint by May 1, 2017. (ECF No.
24 67.)

25 On February 27, 2017 and March 2, 2017, Plaintiffs' counsel Christine Louise Garcia
26 filed a Motion to Withdraw as Counsel of Record for Plaintiff. (ECF Nos. 65, 68.) The Motion
27 was granted on March 8, 2017. (ECF No. 70.)
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1 On May 1, 2017, *pro se* and *in forma pauperis* Plaintiff William Fabricius filed a Second
2 Amended Complaint. (ECF No. 71.)

3 Under Rule 15(a)(3) of the Federal Rules of Civil Procedure, “[u]nless the court orders
4 otherwise, any required response to an amended pleading must be made within the time
5 remaining to respond to the original pleading or within 14 days after service of the amended
6 pleading, whichever is later.” *See* Fed. R. Civ. P. 15(a)(3).

7 The Court will conduct an initial review of the Complaint pursuant to 28 U.S.C. §
8 1915(e)(2) to determine whether it “state[s] a claim on which relief may be granted,” is “frivolous
9 or malicious,” or “seek[s] monetary relief against a defendant who is immune from such relief.” If
10 the Court determines that the Complaint fails to state a claim, it must be dismissed. *Id.*

11 Therefore, the Court hereby suspends, until further notice, Defendants’ obligation to file a
12 responsive pleading to Fabricius’ Second Amended Complaint pursuant to Rule 15(a)(3) of the
13 Federal Rules of Civil Procedure.

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15 IT IS SO ORDERED.

16 Dated: May 1, 2017

17 /s/ Eric P. Gray
18 UNITED STATES MAGISTRATE JUDGE
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