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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

PABLO HOLGUIN,  
  
                    Plaintiff,  
  
                v.  
  
R.WICKS,  
  
                    Defendant.

Case No. 1:16-cv-00346-DAD-BAM (PC)  
  
ORDER DENYING DEFENDANT’S  
MOTION TO DISMISS AS MOOT  
  
(ECF No. 12)  
  
ORDER GRANTING DEFENDANT’S  
REQUEST FOR SCREENING ORDER  
  
(ECF No. 21)

Plaintiff Pablo Holguin (“Plaintiff”) is a state prisoner proceeding in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On November 17, 2016, the Court found service of the complaint appropriate for Defendant Wicks. (ECF No. 8.)

On March 8, 2017, Defendant Wicks filed a motion to dismiss the operative complaint. (ECF No. 12.) In response, Plaintiff filed a motion for an extension of time to oppose the motion to dismiss, which was granted by the Court. (ECF Nos. 13, 17.)

On April 7, 2017, Plaintiff filed a motion for leave to amend the complaint and a motion to lodge documents in support of the amended complaint. (ECF Nos. 14, 15.) The Court directed the Clerk of the Court to lodge Plaintiff’s documents in support of the lodged amended complaint, and ordered Defendant to file a response to Plaintiff’s motion to amend the complaint. (ECF Nos. 18, 20.) On April 26, 2017, Defendant filed a statement of non-opposition to the motion to

1 amend, and a request for the Court to screen the amended complaint. (ECF No. 21.) By separate  
2 order, the Court granted Plaintiff's motion to amend and directed the Clerk of the Court to file the  
3 lodged first amended complaint and exhibits. (ECF No. 22.)

4 As Plaintiff has filed a first amended complaint, Defendant Wicks' motion to dismiss the  
5 complaint (ECF No. 12) is HEREBY DENIED as moot. Plaintiff is not required to file an  
6 opposition to the motion to dismiss.

7 Defendant's request for screening of the first amended complaint (ECF No. 21) is  
8 HEREBY GRANTED. The Court will screen Plaintiff's first amended complaint in due course.

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10 IT IS SO ORDERED.

11 Dated: May 2, 2017

/s/ Barbara A. McAuliffe  
12 UNITED STATES MAGISTRATE JUDGE

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