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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL NEIL JACOBSEN,  
Plaintiff,  
v.  
OFFICER CURRAN, et al.,  
Defendants.

CASE NO. 1:16-cv-01050-LJO-MJS (PC)  
**ORDER DENYING DEFENDANT'S  
MOTION TO DISMISS**  
(ECF No. 67)

Plaintiff is a former county inmate proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The action proceeds on Plaintiff's first amended complaint against Defendants Curran and Gonzalez for inadequate medical care in violation of the Eighth Amendment of the United States Constitution. (ECF No. 11.)

On March 14, 2018, Plaintiff filed a proposed amended complaint. (ECF No. 66.) On March 19, 2018, the Court denied Plaintiff leave to substantively amend as amendment was deemed futile.<sup>1</sup> (ECF No. 68.)

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<sup>1</sup> The Court did allow Plaintiff to substitute newly identified defendants for those previously referred to in the first amended complaint as Does. (See ECF No. 68.)

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On March 19, 2018, Defendants moved to dismiss Plaintiff's proposed amended complaint. (ECF No. 67.) Inasmuch as the Court had that same day denied Plaintiff leave to proceed on the proposed amended complaint,

Defendant's motion is DENIED as moot.

IT IS SO ORDERED.

Dated: March 31, 2018

*/s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE