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

LYRALISA LAVENA STEVENS,  
  
Plaintiff,  
  
v.  
  
JEFFREY A. BEARD, et al.,  
  
Defendants.

Case No. 1:17-cv-01002-AWI-SAB (PC)  
  
ORDER FOLLOWING REMAND AND  
DIRECTING DEFENDANTS TO FILE A  
RESPONSE WITHIN TWENTY-ONE DAYS  
  
(ECF Nos. 49, 50)

Plaintiff Lyralisa Lavena Stevens is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On March 28, 2019, Defendants’ motion to dismiss was granted based on claim preclusion and failure to state a claim and judgment was entered. (ECF Nos. 38, 39.)

Plaintiff filed a notice of appeal on April 22, 2019. (ECF No. 40.)

On December 19, 2022, the United States Court of Appeals for the Ninth Circuit reversed and remanded this action finding Plaintiff’s Eighth Amendment medical claim was not barred by the state courts rejection of his habeas petition and his claim should proceed on the merits. (ECF No. 49.) The mandate was issued on January 10, 2023. (ECF No. 50.)

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1 Based on the foregoing, it is HEREBY ORDERED that Defendants shall file a response  
2 to Plaintiff's complaint, filed on July 28, 2017 (ECF No. 1), within **twenty-one (21)** days from  
3 the date of service of this order.

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5 IT IS SO ORDERED.

6 Dated: January 11, 2023

  
UNITED STATES MAGISTRATE JUDGE

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