

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EARL D. SMITH.

Plaintiff.

v.

MARTINEZ, et al.,

Defendants.

CASE No. 1:17-cv-01092-AWI-MJS (PC)

**ORDER DENYING PLAINTIFF'S MOTION
DEMANDING A RESPONSE TO THE
COMPLAINT**

(ECF No. 25)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The matter proceeds on Plaintiff's First Amendment retaliation claim against Defendant Martinez.

Before the Court is Plaintiff's motion demanding that Defendant Martinez answer the complaint. (ECF No. 25.) On February 5, 2018, Defendant Martinez filed an answer to the complaint. (ECF No. 26.)

Accordingly, it is HEREBY ORDERED that Plaintiff's motion (ECF No. 25) is DENIED as moot.

IT IS SO ORDERED.

Dated: February 6, 2018

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

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