

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GARY HALLFORD,

Plaintiff,

No. CIV S-05-0573 FCD DAD P

vs.

CALIFORNIA DEPARTMENT
OF CORRECTIONS, et al.

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding pro se with this civil rights action. On December 21, 2006, the undersigned issued findings and recommendations, recommending dismissal of this action because plaintiff failed to exhaust administrative remedies. On February 14, 2007, the assigned district judge adopted the findings and recommendations in full. Plaintiff appealed, and on July 9, 2009, the United States Court of Appeals affirmed in part, vacated in part, and remanded the case back to this court. The Ninth Circuit determined that, for purposes of exhaustion, plaintiff was not required to continue pursuing his administrative appeal regarding a vegetarian meal card because he had received all of the available remedies through the administrative appeals process. Accordingly, good cause appearing, the court will direct defendants to file an answer to plaintiff's original complaint within thirty days of the date of this order.

1 Accordingly, IT IS HEREBY ORDERED that within thirty days of the date of this
2 order defendants shall file an answer to plaintiff's original complaint.

3 DATED: August 18, 2009.

4
5 
6 _____
7 DALE A. DROZD
8 UNITED STATES MAGISTRATE JUDGE

7 DAD:9
8 hall0573.ans

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26