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

CLIFTON JEROME MCDANIEL,

Plaintiff,

No. CIV S-07-1189 JAM JFM (PC)

vs.

S. HUBBARD, et al.,

Defendants.

_____/ ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on three claims: an excessive force claim against defendant Cobbs; a deliberate indifference to conditions of confinement claim against defendant Carson; and a cover-up claim against defendants Cueva, Hall and Swan. On November 9, 2009, defendants Cueva, Hall and Swan filed a motion for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c).

Review of the pleadings reveals a question as to whether plaintiff exhausted his state remedies with regard to defendants Cueva, Hall and Swan. See Boyd v. Thompson, 147 F.3d 1124, 1127 (9th Cir. 1998). Accordingly, IT IS HEREBY ORDERED that:

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1. Defendants shall address the issue of exhaustion as to defendants Cueva, Hall and Swan on or before March 18, 2010; and

2. Plaintiff shall file a response no later than two weeks thereafter.

DATED: March 4, 2010.


UNITED STATES MAGISTRATE JUDGE

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