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

ERIC WICK,

Plaintiff,

No. CIV S-09-1027 EFB P

vs.

ANGELEA, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. Currently pending is defendant McClelland’s motion to dismiss this action against him. Dckt. No. 56. Because McClelland filed the motion to dismiss before the court screened the amended complaint pursuant to 28 U.S.C. § 1915A, both plaintiff and defendants Grannis, Mejia, Hirai, Anglea, Guitierrez and Monroe requested clarification from the court as to whether the court would screen plaintiff’s amended complaint. Dckt. Nos. 57, 58.

As noted in the November 23, 2010 order, the court must screen plaintiff’s amended complaint pursuant to § 1915A. McClelland’s motion to dismiss is therefore premature. Accordingly, the motions for clarification are granted and McClelland’s motion to dismiss is denied without prejudice. The Clerk is directed to terminate docket entries nos. 56, 57 & 58.

So ordered.

Dated: July 19, 2011.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE