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

TROY ANDERSON,

Plaintiff,

No. CIV S-09-2539 GGH P

vs.

PEOPLE OF THE STATE  
OF CALIFORNIA, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding pro se and in forma pauperis with this civil rights action seeking relief pursuant to 42 U.S.C. § 1983. On June 12, 2010, defendant filed a motion for clarification on what constituted the operative complaint as it appears an older complaint was mistakenly served on defendant. Plaintiff's November 25, 2009 motion to amend (Doc. 12) also contained a complaint that is construed by the court to be the second amended complaint and is the operative complaint in this case. Any complaint served upon defendants that is not the November 25, 2009 second amended complaint should be disregarded. The court will change the caption of the November 25, 2009 docket entry to read Second Amended Complaint.

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Accordingly, IT IS HEREBY ORDERED that defendant’s June 12, 2010, motion for clarification is granted and the November 25, 2009, second amended complaint (Doc. 12) is the operative complaint in this action.

DATED: June 17, 2010

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH: AB  
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