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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RANDY REAL,  
Plaintiff,  
v.  
JAMES WALKER, et al.,  
Defendants.

No. 2:09-cv-3273 GEB KJN P

ORDER

Plaintiff, a state prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”), brings this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff challenges his validation as an associate of a prison gang and his resulting confinement in a Security Housing Unit.

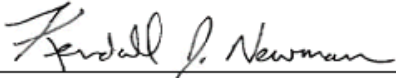
By order filed January 26, 2015, the court granted in part and denied in part defendants’ motion to dismiss plaintiff’s Second Amended Complaint. (ECF No. 85.) Plaintiff was therein granted leave to file a motion to file a Third Amended Complaint.

On February 24, 2015, plaintiff filed a notice with the court, indicating that he would not file a Third Amended Complaint. (ECF No. 86.) Plaintiff’s Second Amended Complaint therefore remains the operative complaint in this action. Accordingly, it is incumbent upon defendant R. Ramos, the remaining defendant in this action, to file an answer to those portions of plaintiff’s Second Amended Complaint that survived the prior motion to dismiss.

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In light of the foregoing, IT IS HEREBY ORDERED that, within thirty days of the filing of this order, defendant R. Ramos file and serve an answer.

Dated: April 21, 2015

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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