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

BILLY PAUL BIRDWELL, II,

Plaintiff,

No. CIV S-10-0719 KJM GGH P

vs.

M. CATES, et al.,

Defendants.

ORDER

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Plaintiff is a prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. This action continues on allegations that plaintiff's ability to practice his religion has been violated under the First Amendment and RLUIPA.

Presently pending is plaintiff's April 11, 2011 motion for a preliminary injunction. Doc. 38. Plaintiff alleges that he was transferred from Mule Creek State Prison to another institution in retaliation for the instant litigation. Plaintiff also states that defendants took this action as many of the claims in the instant federal civil rights action would become moot as a result of this transfer. As this claim could have merit, defendants are ordered to reply to plaintiff's motion for a preliminary injunction within 21 days.

Accordingly, IT IS HEREBY ORDERED that:

1. Defendants are ordered to file a reply to plaintiff's motion for a preliminary

