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

JUAN CARDONA,

Plaintiff,

No. 2:11-cv1680 KJM KJN P

vs.

DALE SYVERSON, M.D.,

Defendant.

ORDER

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Plaintiff is a state prisoner proceeding without counsel, in this action filed pursuant to 42 U.S.C. § 1983. On August 16, 2011, this court granted plaintiff's application to proceed in forma pauperis, but dismissed plaintiff's complaint with leave to file an amended complaint. (Dkt. No. 9.) On August 19, 2011, defendant filed a motion to dismiss plaintiff's original complaint. (Dkt. No. 12.) Defendant's motion must be denied as moot; defendant may renew his motion after plaintiff has filed an amended complaint.

Accordingly, IT IS HEREBY ORDERED that defendant's motion to dismiss filed August 19, 2011 (Dkt. No. 12) is denied without prejudice.

DATED: August 23, 2011

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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