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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICKY GRAY,

 Plaintiff,

 v.

B. COGDELL, et al.,

 Defendants.

No. 2:14-cv-0473 KJM EFB P

RICKY GRAY,

 Plaintiff,

 v.

JAMES TILTON, et al.,

 Defendants.

No. 2:11-cv-2103 KJM EFB P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed the above-captioned civil rights actions seeking relief under 42 U.S.C. § 1983. The matters were referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. *Gray v. Tilton*, No. 2:11-cv-2103 KJM EFB P (hereafter the 2011 case) was dismissed on January 7, 2014. *Gray v. Cogdell*, No. 2:14-cv-0473 KJM EFB P (hereafter the 2014 case) is pending.

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1 On September 30, 2015, defendants in the 2011 case were ordered to show cause within
2 fourteen days why the judgment in the 2011 case should not be vacated and plaintiff be directed
3 to proceed in the 2011 case rather than the 2014 case. On October 14, 2015, defendants in the
4 2011 case filed a statement of non-opposition in response to the order to show cause.

5 Accordingly, good cause appearing, the judgment entered in the 2011 case will be vacated and
6 plaintiff will be directed to proceed with his claims in that case. The 2014 case will be closed.

7 Defendants also request clarification of which complaint in the 2014 case shall be the
8 operative complaint. By order filed June 6, 2014, plaintiff's first amended complaint was
9 dismissed with leave to file a second amended complaint. ECF No. 11. On July 14, 2014,
10 plaintiff filed a second amended complaint, ECF No. 15, and on May 28, 2015, plaintiff filed a
11 motion to amend the complaint, accompanied by a proposed third amended complaint. Good
12 cause appearing, the Clerk of the Court will be directed to transfer the second amended
13 complaint, ECF No. 15, the motion to amend, ECF No. 19, and the proposed third amended
14 complaint, ECF No. 20. All three documents shall be filed in the 2011 case as of the date they
15 were filed in the 2014 case. This matter will be referred back to the assigned magistrate judge for
16 resolution of plaintiff's motion to amend and screening in accordance with the requirements of 28
17 U.S.C. § 1915A.

18 In accordance with the above, IT IS HEREBY ORDERED that:

- 19 1. The judgment entered January 7, 2014 in Case No. 11-cv-2103 KJM EFB P is vacated.
- 20 2. Henceforth the claims raised in Case No. 2:14-cv-0473 KJM EFB P shall proceed in
21 Case No. 2:11-cv-2103 KJM EFB P.
- 22 3. The Clerk of the Court is directed to transfer the second amended complaint, ECF No.
23 15, the motion to amend, ECF No. 19, and the proposed third amended complaint, ECF No. 20,
24 filed in Case No. 2:14-cv-0473 KJM EFB P to Case No. 2:11-cv-2103 KJM EFB P. All three
25 documents shall be filed in the 2011 case as of the date they were filed in the 2014 case.
- 26 4. The Clerk of the Court is directed to close Case No. 2:14-cv-0473 KJM EFB P.

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5. Case No. 2:11-cv-2103 KJM EFB P is referred back to the assigned magistrate judge for further pretrial proceedings.

DATED: November 2, 2015.


UNITED STATES DISTRICT JUDGE