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

KENNETH GENE MONTGOMERY,

Plaintiff,

No. CIV S-11-3304 GGH P

vs.

SGT. BROOKS, et al.

Defendants.

ORDER

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Plaintiff proceeds in this action with counsel pursuant to 42 U.S.C. § 1983. On April 19, 2012, the court directed service of plaintiff’s amended complaint, and ordered that the defendants file, within 21 days, a motion to dismiss or an answer to the amended complaint. See Doc. No. 16. On April 27, 2012 and on June 6, 2012, defendants filed motions to dismiss, which motions were granted by this court in a separate order. Plaintiff’s claims against defendants High Desert State Prison, California Department of Corrections and Rehabilitation, State of California, Warden McDonald, and Nurse Shaw have been dismissed with prejudice, and the only remaining, non-stayed defendant remaining in this action is defendant Brooks.

A review of the court’s docket reflects that defendant Brooks was served with the amended complaint on May 10, 2012. See Doc. No. 25. Accordingly, it is hereby ordered that

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1 defendant Brooks respond to the amended complaint within 21 days of the filing date of this  
2 order, See Fed. R. Civ. P. 12(a), if he is not otherwise dismissed by plaintiff.

3 DATED: July 16, 2012

4 /s/ Gregory G. Hollows  
5 UNITED STATES MAGISTRATE JUDGE

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