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

JOHN PHILIP MONCRIEF,

Plaintiff,

No. 2:12-cv-0414 MCE AC P

vs.

CALIFORNIA DEPT. OF
CORRECTIONS AND
REHABILITATION, et al.

Defendants.

ORDER

_____/

Plaintiff is a prisoner proceeding with counsel in this civil action brought pursuant to 42 U.S.C. § 1983. On September 4, 2012, plaintiff filed an amended complaint, which defendants moved to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) and the Eleventh Amendment. See First Amended Complaint, Sept. 4, 2012, ECF No. 9; Motion to Dismiss, Sept. 25, 2012, ECF No. 11.

On February 14, 2013, the court granted in part and denied in part defendants' motion to dismiss, additionally directing that plaintiff had twenty days to file an amended complaint. See Order, Feb. 14, 2012, ECF No. 18. The court specifically directed that if no amended complaint was filed within the twenty day period, Counts Three, Four, Five, and Six of

1 the First Amended Complaint would be dismissed with prejudice without further notice to the
2 parties. To date, no amended complaint has been filed, and accordingly, Counts Three, Four,
3 Five, and Six of the First Amended Complaint have been dismissed with prejudice. Counts One,
4 Two, Seven, Eight and Nine remain, however, and, to date, defendants have not filed an answer
5 to these remaining counts.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Defendants show cause, within twenty-one days from the date of this
8 order, why default should not be entered;
- 9 2. The Clerk of the Court shall forward a copy of this order to Defendants,
10 c/o Kelli Hammond, Esq., Deputy Attorney General, 1300 I Street, Suite
11 125, P.O. Box 944255, Sacramento, CA 94244-2550; and
- 12 3. The Clerk of the Court is directed to serve a copy of this order on Monica
13 Anderson, Supervising Deputy Attorney General.

14 DATED: May 7, 2013.

15 
16 ALLISON CLAIRE
17 UNITED STATES MAGISTRATE JUDGE

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