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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

REGINALD WHEELER,
Plaintiff,
v.
M. HODGES, et al.,
Defendants.

No. 2:13-cv-2526 MCE KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se, with a civil rights action pursuant to 42 U.S.C. § 1983, in which plaintiff challenges a January 23, 2012 prison disciplinary for the violation of “Introduction of Dangerous Contraband to a State Prison -- Possession of a Cell Phone.” (ECF No. 10 at 21.) On March 11, 2015, this action was stayed pending resolution of the question of jurisdiction in Wheeler v. Price, Case No. 2:14-cv-0521 MCE KJN P.

In light of Nettles v. Grounds, 2015 WL 3406160 (9th Cir. May 28, 2015), plaintiff is unable to pursue his claim in a habeas action pursuant to 28 U.S.C. § 2254. Thus, the stay should be lifted and plaintiff should pursue his claim in this action. The record reflects that defendants signed waivers of service of process on August 7, 2014 (ECF No. 21), and appeared in this action on September 8, 2014, by filing their motion for stay. Thus, defendants are directed to file a responsive pleading.

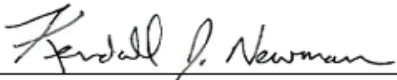
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Accordingly, IT IS HEREBY ORDERED that:

1. The March 11, 2015 stay is lifted; and
2. Within thirty days from the date of this order, defendants shall file a responsive pleading.

Dated: June 18, 2015


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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