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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEAN C. RODRIGUEZ,  
Plaintiff,  
v.  
JEFFREY BEARD, et al.,  
Defendants.

No. 2:14-cv-1049 MCE KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. For the reasons stated herein, defendant Matis is ordered to file a response to plaintiff's amended complaint.

On April 3, 2015, the undersigned recommended that defendants' motion to sever be granted. (ECF No. 45.) The undersigned recommended that the retaliation claim against defendant Matis be dismissed, and that this action proceed solely on the claims against defendants Foulk and St. Andre. (Id.)

On April 14, 2015, plaintiff filed objections to the findings and recommendations. (ECF No. 46.) The Honorable Morrison C. England understood the objections to request dismissal of all of plaintiff's claims. Accordingly, on May 19, 2015, Judge England granted plaintiff's request to voluntarily dismiss this action. (ECF No. 47.)


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1 On May 29, 2015, plaintiff filed a motion pursuant to Federal Rule of Civil Procedure  
2 60(b). (ECF No. 48.) In this motion, plaintiff stated that he did not intend to request dismissal of  
3 the entire action. (Id.) Plaintiff stated that he only meant to request dismissal of his claims  
4 against defendants Foulk and St. Andre. (Id.) Plaintiff stated that he wanted to proceed on his  
5 retaliation claim against defendant Matis. (Id.)

6 On July 9, 2015, Judge England granted plaintiff's motion for relief. (ECF No. 53.)  
7 Judge England dismissed plaintiff's claims against defendants Foulk and St. Andre, and ordered  
8 that this action would proceed on the retaliation claim against defendant Matis. (Id.)

9 In accordance with the above, IT IS HEREBY ORDERED that within twenty days of the  
10 date of this order, defendant Matis shall file a response to plaintiff's amended complaint.

11 Dated: July 20, 2015

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14 KENDALL J. NEWMAN  
15 UNITED STATES MAGISTRATE JUDGE

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