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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UDI FISHMAN,  
Plaintiff,  
v.  
DR. G. CHEUNG et al.,  
Defendants.

No. 2:14-cv-1163 KJM DAD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed a motion to dismiss this action without prejudice. In light of defendants' pending motion for summary judgment, the court will direct defendants to file an opposition or a statement of non-opposition to plaintiff's motion. If defendants file an opposition to plaintiff's request, defense counsel is directed to include therein an explanation as to how defendants would suffer any "plain legal prejudice" if this court dismissed this action without prejudice. See Smith v. Lenches, 263 F.3d 972, 975-76 (9th Cir. 2001); Westlands Water Dist. v. United States, 100 F.3d 94, 96 (9th Cir. 1996). Accordingly, IT IS HEREBY ORDERED that within fourteen days of the date of this order, defendants shall file a response to plaintiff's motion to dismiss this action without prejudice.

Dated: May 27, 2015

DAD:9

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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