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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GLENN DAVID O’NEAL,
Plaintiff,
v.
CHAPLAIN AMAH, et al.,
Defendants.

No. 2:14-cv-1597 KJN P

ORDER

Plaintiff is a state prisoner proceeding without counsel. On October 16, 2014, defendants filed a motion to revoke plaintiff’s in forma pauperis status and to dismiss this action. Plaintiff filed an opposition. On November 25, 2014, defendants filed a reply in which they acknowledge that one of the cases on which they relied, O’Neal v. Solis, Case No. 1:12-cv-1299 RRB (E.D. Cal.), is currently on appeal in the Ninth Circuit, Case No. 13-16832, and therefore cannot count as a strike under 28 U.S.C. § 1915(g). (ECF No. 13 at 1.) Therefore, defendants withdraw their motion, and ask the court to refrain from requiring an answer inasmuch as they intend to file a motion for summary judgment for failure to exhaust administrative remedies. Good cause appearing, IT IS HEREBY ORDERED that:

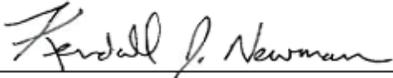
1. Defendants’ request to withdraw their motion to revoke (ECF No. 11) is granted;
2. Defendants are granted thirty days from the date of this order in which to file a motion for summary judgment for failure to exhaust administrative remedies. Plaintiff’s opposition shall

1 be filed twenty-one days after service of the motion, and defendants' reply shall be filed seven
2 days thereafter.

3 Dated: December 2, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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