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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SEAN PATRICK DOYLE,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF CORRECTIONS  
AND REHABILITATIONS, *et al.*,

Defendants.

Case No.: 12-CV-2769 YGR


ORDER DENYING WITHOUT PREJUDICE  
DEFENDANT CCA'S MOTION TO DISMISS

On November 26, 2014, defendant Correctional Corporation of America ("CCA") filed a motion to dismiss plaintiff's first amended complaint. (Dkt. No. 149.) On December 8, 2014, plaintiff Sean Doyle filed a motion for leave to file a second amended complaint (Dkt. No. 152); the first amended complaint having been dismissed as set forth in this Court's Order of October 31, 2014 (Dkt. No. 144.)

Accordingly, CCA's motion to dismiss is **DENIED** without prejudice. Defendant CCA is free to challenge plaintiff's motion for leave to file a second amended complaint, or, if leave to file the second amended complaint is granted, to respond to the second amended complaint.

**IT IS SO ORDERED.**

Date: December 16, 2014

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE