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FILED

JUL 16 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOE ABBOTT,)	No. C 11-0183 LHK (PR)
)	
Plaintiff,)	ORDER PROVIDING
)	PLAINTIFF NOTICE AND
v.)	WARNING
)	
DOCTOR E. TOOTELL, et al.,)	
)	
Defendants.)	

Plaintiff, a California prisoner pro se, filed this civil rights action under 42 U.S.C. § 1983. Defendants have filed a motion to dismiss in which they argue that Plaintiff's claims are not exhausted as required by 42 U.S.C. § 1997e. Plaintiff has not yet filed an opposition. Pursuant to *Woods v. Carey*, No. 09-15548, slip op. 7871, 7884-85 (9th Cir. July 6, 2012), Plaintiff must read the following "NOTICE -- WARNING (EXHAUSTION)," which is provided to him for a second time pursuant to *Wyatt v. Terhune*, 315 F.3d 1108, 1120 n.4 (9th Cir. 2003):

**NOTICE -- WARNING
(EXHAUSTION)**

If Defendants file an unenumerated motion to dismiss for failure to exhaust, they are seeking to have your case dismissed. If the motion is granted it will end your case.

You have the right to present any evidence you may have which tends to show that you did exhaust your administrative remedies. Such evidence may be in the form of declarations

Order Providing Plaintiff Notice and Warning
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1 (statements signed under penalty of perjury) or authenticated documents, that is, documents
2 accompanied by a declaration showing where they came from and why they are authentic, or
3 other sworn papers, such as answers to interrogatories or depositions.

4 If Defendants file a motion to dismiss and it is granted, your case will be dismissed and
5 there will be no trial.

6 IT IS SO ORDERED.

7 DATED: 7/16/12

Lucy H. Koh
LUCY H. KOH
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOE ABBOTT,
Plaintiff,

Case Number: CV11-00183 LHK

CERTIFICATE OF SERVICE

v.

E. TOOTELL et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 16, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Joe Abbott F-14791
San Quentin State Prison
San Quentin, CA 94974

Dated: July 16, 2012

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk