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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

JESSE WASHINGTON,
Plaintiff,

v.

J. CAROPRESO and A. MARTINEZ,
Defendants.

No. C 11-3666 LHK (PR)

ORDER PROVIDING
PLAINTIFF NOTICE AND
WARNING; SCHEDULING
SUPPLEMENTAL BRIEFING

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. 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

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 In light of *Woods*, Plaintiff may file a supplemental opposition within 14 days of the
7 filing date of this order. Defendants shall file a supplemental reply to any supplemental
8 opposition within 7 days thereafter.

9 IT IS SO ORDERED.

10 DATED: 7/16/12

Lucy H. Koh

LUCY H. KOH
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JESSE WASHINGTON,
Plaintiff,

Case Number: CV11-03666 LHK

CERTIFICATE OF SERVICE

v.

J. CURUPRESO 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.

Jesse Washington D-23593
Corcoran State Prison
P.O. Box 3461
Corcoran, CA 93212-3461

Dated: July 16, 2012

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