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

FRANCISCO MERINO,)	No. C 11-6310 RMW (PR)
)	
Plaintiff,)	ORDER DENYING WITHOUT
)	PREJUDICE DEFENDANTS'
v.)	MOTION TO DISMISS
)	
VICTOR DE LA CERDA, et al.,)	(Docket No. 19.)
)	
Defendants.)	
)	

Plaintiff, a former inmate in the San Mateo County jail proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983, alleging that defendants used excessive force against him. Defendants have moved to dismiss this action for failure to exhaust.

Defendants' motion is DENIED without prejudice to refileing the motion within **fourteen days** of the filing date of this order, accompanied by proof of service upon plaintiff of the notice and warning regarding motions to dismiss for exhaustion as required by Woods v. Carey, 684 F.3d 934, 938-40 (9th Cir. 2012). Plaintiff shall file his opposition within **twenty-eight days**. Defendants shall file a reply **fourteen days** thereafter.

IT IS SO ORDERED.

DATED: _____

Ronald M. Whyte

 RONALD M. WHYTE
 United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FRANCISCO MERINO,
Plaintiff,

Case Number: CV11-06310 RMW

CERTIFICATE OF SERVICE

v.

MEDICAL STAFF AT REDWOOD CITY 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 1, 2013, 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.

Francisco Merino AI4722
Salinas Valley State Prison
SVPP-DMH, D6-123
PO Box 1050
Soledad, CA 93960

Dated: July 1, 2013

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk