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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GABRIEL YATES,
Plaintiff,
vs.
NAPHCARE, et al.,
Defendants.

Case No. 2:12-cv-01865-JCM-VCF

ORDER

Plaintiff has submitted a second amended complaint (#28). The court has reviewed it pursuant to 28 U.S.C. § 1915A. Plaintiff has corrected the defects that the court has found in the first amended complaint. Defendants will need to respond.

Also before the court is plaintiff's application to proceed in forma pauperis (#29). The application is moot because defendants have removed the action to this court and have paid the filing fee.

Plaintiff has submitted an emergency ex parte motion for a temporary restraining order (#30). Defendants have already appeared in this action. Plaintiff has not explained why he filed the motion ex parte, thus ensuring that defendants will not receive a notice of electronic filing, particularly when the defendants already have appeared in this action. The court will deny the motion without prejudice to plaintiff filing the notice correctly.

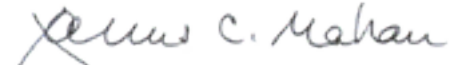
IT IS THEREFORE ORDERED that plaintiff's emergency ex parte motion for a temporary restraining order (#30) is **DENIED** without prejudice.

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IT IS FURTHER ORDERED that plaintiff's application to proceed in forma pauperis (#29) is **DENIED** as moot.

IT IS FURTHER ORDERED that defendants shall have twenty-one (21) days from the date on which this order is entered to file and serve an answer or other response to the complaint.

DATED: February 7, 2014.



JAMES C. MAHAN
United States District Judge