UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL DAVIS,

Plaintiff,

v.

UNKNOWN, et al.,

Defendants.

No. 2:23-cv-2358 DJC CSK P

ORDER

Plaintiff is a detainee, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On January 16, 2026, defendants Clendenin and Price filed an amended motion to dismiss plaintiff's second amended complaint. (ECF No. 53.) For the following reasons, the amended motion to dismiss the second amended complaint is vacated.

On March 23, 2026, plaintiff filed a motion for leave to file a third amended complaint. (ECF No. 57.) Plaintiff did not file a proposed third amended complaint. (See docket.) On April 10, 2026, defendants Clendenin and Price filed a statement of non-opposition to plaintiff's motion for leave to file a third amended complaint. (ECF No. 59.) On May 18, 2026, this Court denied plaintiff's motion for leave to file a third amended complaint because plaintiff did not file a proposed third amended complaint. (ECF No. 65.) This Court granted thirty days to file a renewed motion for leave to amend and proposed third amended complaint. (Id.) On June 5, 2026, this Court granted plaintiff a sixty-day extension of time to file a renewed motion for leave

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to amend and proposed third amended complaint. (ECF No. 67.) On July 27, 2026, plaintiff filed a renewed motion for leave to amend and proposed third amended complaint. (ECF Nos. 68, 69.) Good cause appearing, the amended motion to dismiss the second amended complaint filed by defendants Clendenin and Price is vacated.

Accordingly, IT IS HEREBY ORDERED that the amended motion to dismiss the second amended complaint filed by defendants Clendenin and Price (ECF No. 53) is vacated.

Dated: July 30, 2026

CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE

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