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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

SAAHDI COLEMAN,  
Plaintiff,

v.

DERRAL G. ADAMS, et al.,  
Defendants.

CASE NO. 1:06-cv-00836-AWI-GBC (PC)  
ORDER GRANTING PLAINTIFF’S MOTION  
TO FILE OPPOSITION NUNC PRO TUNC  
(Doc. 83)

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**I. Procedural History**

Plaintiff Saahdi Coleman (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On October 6, 2011, Defendants filed a motion for summary judgment. Doc. 70. March 9, 2012, Plaintiff filed an opposition to the motion for summary judgment. Doc. 75; Doc. 76; Doc. 77; Doc. 79. On Mar 26, 2012, Defendants filed a reply. Doc. 82. On April 12, 2012, Plaintiff filed a motion to consider his opposition as filed timely. Doc. 83. On April 16, 2012, Defendants filed an opposition. Doc. 85. On May 22, 2012, Plaintiff filed a reply. Doc. 86.

On July 6, 2012, the Ninth Circuit found that the notice and warning of requirements for opposing a defendant’s motion for summary judgment should be issued contemporaneously when a defendant files a motion for summary judgment, as opposed to a year or more in advance. *Woods v. Carey*, --- F.3d ---, 2012 WL 2626912, at \* 4 (9th Cir. Jul. 6, 2012). In order to address the time

1 delay between providing notice and the filing of Defendants' motion, On August 8, 2012, the Court  
2 issued an amended second informational order and provided Plaintiff an opportunity to submit a new  
3 opposition. Doc. 87; Doc. 88.

4 Given that Plaintiff is being provided an additional chance to submit a timely opposition, the  
5 Court will grant Plaintiff's motion filed on April 12, 2013, and considers Plaintiff's original  
6 opposition filed on March 9, 2012, to be timely, should Plaintiff desire to stand on this opposition  
7 rather than file a new opposition.

8  
9 **II. Conclusion and Order**

10 Therefore, IT IS HEREBY ORDERED that: Plaintiff's motion filed on April 12, 2012,  
11 to consider Plaintiff's opposition as timely filed, is GRANTED. Doc. 83.

12  
13 IT IS SO ORDERED.

14 Dated: August 21, 2012

  
15 UNITED STATES MAGISTRATE JUDGE