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

ERIC CHARLES RODNEY K'NAPP,	1:06-cv-01701-LJO-GSA-PC
Plaintiff,	ORDER GRANTING PLAINTIFF'S
vs.	REQUEST FOR LEAVE TO FILE
D. G. ADAMS, et al.,	SUPPLEMENTAL OBJECTIONS
Defendants.	(Doc. 74.)
	THIRTY DAY DEADLINE

Eric Charles Rodney K'napp ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on November 22, 2006. (Doc. 1.) On February 19, 2020, Defendants filed a motion to dismiss this action for Plaintiff's failure to exhaust administrative remedies before filing suit.¹ (Docs. 40, 43, 57.) On August 23, 2010, the Court issued findings and recommendations to grant Defendants' motion. (Doc. 51.) On March 2, 2011, Plaintiff filed objections to the findings and recommendations. (Doc. 67.) On March 8, 2011, the Court issued an order requiring Defendants to respond to Plaintiff's objections. (Doc. 68.) On May 9, 2011, Defendants filed a response to Plaintiff's objections. (Doc. 73.) On May 18, 2011, Plaintiff filed a motion for leave to file supplemental objections. (Doc. 74.) Defendants have not

¹On February 19, 2010, defendants Adams, Selvy, Mott, Cuevas, Sherman, Hall, Pugliese, and Smith filed a motion to dismiss for failure to exhaust. (Doc. 40.) On March 22, 2010, defendants Johnson and Cooper joined the motion to dismiss. (Doc. 43.) On October 14, 2010, defendant Tucker joined the motion to dismiss. (Doc. 57.)

1 filed any response to Plaintiff's motion. Plaintiff's motion for leave to file supplemental objections is
2 now before the Court.

3 Plaintiff seeks leave to file supplemental objections to the Court's findings and
4 recommendations of August 23, 2010, to include reference to the Ninth Circuit's opinion in Sapp v.
5 Kimbrell, 623 F.3d 813 (9th Cir. 2010), which Plaintiff maintains is relevant to his exhaustion of
6 administrative remedies in this action. Plaintiff asserts that the legal research computers in the law
7 library at the prison were updated sometime after the Court ordered Defendants to reply to Plaintiff's
8 objections, and Plaintiff then discovered the Ninth Circuit case.

9 Good cause having been presented to the Court, and GOOD CAUSE APPEARING
10 THEREFOR, IT IS HEREBY ORDERED that:

- 11 1. Plaintiff's request for leave to file supplemental objections, filed on May 18, 2011, is
12 GRANTED; and
- 13 2. Plaintiff is granted leave to file supplemental objections to the Magistrate Judge's
14 findings and recommendations of August 23, 2010, within thirty days from the date of
15 service of this order.

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17 IT IS SO ORDERED.

18 **Dated: June 16, 2011**

18 **/s/ Gary S. Austin**
19 **UNITED STATES MAGISTRATE JUDGE**

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