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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LEROY DEWITT HUNTER,	CASE NO. 1:07-cv-01126-AWI-SKO PC
Plaintiff,	ORDER VACATING DEFENDANT’S
v.	MOTION FOR SUMMARY JUDGMENT
DONNY YOUNGBLOOD, et al.,	FROM COURT’S CALENDAR PENDING
Defendants.	PLAINTIFF’S RESPONSE
	(Doc. 51)

Plaintiff Leroy Dewitt Hunter, proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 3, 2007. This action is proceeding on Plaintiff’s second amended complaint, filed on December 16, 2010, against Defendant Parker for use of excessive physical force, in violation of the Due Process Clause of the Fourteenth Amendment.¹

On February 9, 2012, Defendant Parker filed a motion for summary judgment, and on June 27, 2012, the Court appointment counsel to represent Plaintiff. Plaintiff’s counsel was ordered to file a status report within sixty days regarding Plaintiff’s ability to file a response to Defendant’s pending motion for summary judgment. Counsel has undertaken some investigatory steps, including contacting Defendant’s counsel. However, counsel has not been able to establish contact with Plaintiff. Plaintiff’s location is presently unknown, as he apparently paroled from state prison within the past week, approximately. Based on counsel’s status report, the Magistrate Judge found good cause to grant an additional sixty days to file another status report.

¹ It appears Plaintiff was a pretrial detainee at the time of the incident.

1 As a result of the foregoing, Defendant's motion has not been submitted upon the record.
2 Local Rule 230(l). In light of 28 U.S.C. § 476(a)(1), the Civil Justice Reform Act, Defendant's
3 motion for summary judgment is HEREBY DEEMED VACATED from the Court's calendar until
4 Plaintiff files his opposition or statement of non-opposition and the motion has been submitted.²

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6 IT IS SO ORDERED.

7 Dated: September 14, 2012


8 CHIEF UNITED STATES DISTRICT JUDGE

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² The Court's action is purely administrative and the parties need take no further action regarding the calendar. Once the motion for summary judgment has been submitted pursuant to Local Rule 230(l), the Court will issue its ruling.