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6 **UNITED STATES DISTRICT COURT**
78 EASTERN DISTRICT OF CALIFORNIA
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10 CHRISTOPHER S. RIDER,

CASE NO. 1:07-cv-01516-SMS PC

11 v. Plaintiff,

ORDER DENYING DEFENDANTS'
MOTION TO STRIKE PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT
OR, ALTERNATIVELY EXTEND TIME
FOR DEFENDANTS TO FILE OPPOSITION
AS MOOT

12 JAMES YATES, et al.,

13 Defendants.

(Doc. 45)

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15 This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff Christopher S.
16 Rider, a state prisoner proceeding pro se and in forma pauperis. This action is proceeding on
17 Plaintiff's amended complaint, filed June 12, 2008, against Defendant Cano for use of excessive
18 force and against Defendant Kahn for denial of medical care, in violation of the Eighth Amendment.
19 Pursuant to the scheduling order, the deadline for filing pretrial dispositive motions passed on May
20 11, 2010. On December 10, 2009, Plaintiff filed his second motion for summary judgment, which
21 consisted only of a narrative. On December 28, 2009, Defendants filed a motion to strike Plaintiff's
22 motion for summary judgment , or, alternatively, extend time for Defendants to file opposition.
23 (Doc. 45.) On February 5, 2010, Plaintiff's second motion for summary judgment, filed December
24 10, 2009, was stricken from the record on the ground that it was procedurally deficient. (Doc. 51.)25 Since Plaintiff's motion for summary judgment upon which Defendants' request is made has
26 been stricken from the record, Defendants' motion to strike Plaintiff's motion for summary
27 judgment, or, alternatively, extend time for Defendants to file opposition is moot.
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Accordingly, IT IS HEREBY ORDERED that Defendants' motion to strike Plaintiff's motion for summary judgment, or, alternatively, extend time for Defendants to file opposition, filed December 28, 2009, is DENIED as moot.

IT IS SO ORDERED.

Dated: April 27, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE