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

DARRYL KEITH AGGERS,
Plaintiff,
vs.
CAPTAIN TYSON, et al.,
Defendants.

Case No. 1:07-cv-01701 AWI JLT (PC)
ORDER REQUIRING DEFENDANT TO
PROVIDE FURTHER BRIEFING

_____ /

On March 18, 2011, Defendant filed a motion to dismiss, arguing therein that Plaintiff failed to exhaust his administrative remedies prior to filing suit. (Doc. 38.) In support of the motion to dismiss, Defendant has provided a copy of Plaintiff’s inmate appeals record at Kern Valley State Prison. (Doc. 38-1, Ex. A.) It appears from that record that Plaintiff exhausted an appeal, KVSP-O-07-01689, that may be relevant to this action. (Id.) Defendant, however, has not provided the Court with a copy of this appeal or an explanation about the circumstances about which Plaintiff complained.

Accordingly, it is **HEREBY ORDERED** that within seven days of the date of service of this order, Defendant shall file with the Court a copy of the original grievance, numbered KVSP-O-07-01689 and all records related to it. Plaintiff’s response, if any, shall be filed within fourteen days of Defendant’s filing.

IT IS SO ORDERED.

Dated: May 26, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE