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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

OSCAR CRUZ,)	1:08cv00237 LJO DLB
)	
)	ORDER DENYING PLAINTIFF’S EX PARTE
Plaintiff,)	MOTION TO STRIKE OPPOSITION
)	(Documents 50 and 56)
v.)	
)	ORDER DENYING PLAINTIFF’S EX PARTE
MIKE KNOWLES, et al.,)	APPLICATION TO SHORTEN TIME
)	(Document 52)
)	
Defendants.)	ORDER GRANTING PLAINTIFF
)	ADDITIONAL TIME TO FILE REPLY

Oscar Cruz, proceeding pro se and in forma pauperis, filed the instant civil rights action on February 19, 2008. Maria del Rosario Corona (“Plaintiff”) was substituted in as Plaintiff on June 22, 2009.

On September 15, 2009, Plaintiff filed a motion to amend the complaint. The motion is set for hearing on October 23, 2009. Defendants filed their opposition on October 14, 2009.

On October 15, 2009, Plaintiff filed an ex parte motion to strike the opposition as untimely, as well as an ex parte motion to shorten time for the hearing. Plaintiff sought to have the matter heard on October 16, 2009, at 9:30 a.m. Plaintiff filed an amended ex parte motion to strike on October 16, 2009.

Plaintiff’s motions are DENIED. Contrary to Plaintiff’s suggestion, this Court has discretion in determining whether to consider late filings. In the interest of deciding the motion on the merits, the Court will allow the late filing to stand. To prevent prejudice to Plaintiff,

1 however, the Court will allow her to file her reply no later than Tuesday, October 20, 2009. The
2 October 23, 2009, hearing date will remain on calendar.

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IT IS SO ORDERED.

Dated: October 16, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE