

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EMELITO EXMUNDO,

Plaintiff,

v.

R. KANE, et al.,

Defendants.

CASE NO. 1:08-CV-00822-DLB PC

ORDER GRANTING DEFENDANTS LEAVE
TO SUPPLEMENT MOTION FOR
SUMMARY JUDGMENT

(DOC. 43)

SUPPLEMENTAL MOTION, IF ANY, DUE
WITHIN FOURTEEN DAYS

_____ /

Plaintiff Emelito Exmundo (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants R. Kane and A. Ross for retaliation in violation of the First Amendment, deliberate indifference to a serious medical need in violation of the Eighth Amendment, and the California Constitution. *See* August 20, 2009 Order, Doc. 10; October 14, 2009 Order, Doc. 16.

On May 23, 2011, Defendants filed a motion for summary judgment. Doc. 43. Defendants address only the retaliations claims, not Plaintiff’s Eighth Amendment claim. In the interest of judicial economy, the Court will provide Defendants with fourteen (14) days to supplement their motion, addressing Plaintiff’s other claims. Plaintiff will be provided an opportunity to oppose Defendants’ supplemental motion, and Defendants may file a reply. Requests for extensions of time are disfavored without a showing of good cause.

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, it is HEREBY ORDERED that:

1. Defendants are granted fourteen (14) days from the date of service of this order in which to supplement their motion for summary judgment, addressing Plaintiff's Eighth Amendment claim and the California Constitution claim;
2. Plaintiff is granted twenty-one (21) days from the date of service of Defendants' supplemental motion in which to file his opposition; and
3. Defendants are granted seven (7) days from the date of service of Plaintiff's opposition in which to file their reply.

IT IS SO ORDERED.

Dated: November 8, 2011

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE