

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

KEVIN GUNN,

Plaintiff,

v.

TILTON, et al.,

Defendants.

CASE NO. 1:08-cv-01038-LJO-GBC PC

ORDER VACATING MOTION FOR  
SUMMARY JUDGMENT FROM COURT'S  
CALENDAR PENDING SUBMISSION OF  
PLAINTIFF'S OPPOSITION AND  
DEFENDANTS' REPLY PURSUANT TO  
LOCAL RULE 230(L)

(Doc. 41)

This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff Kevin Gunn, a state prisoner proceeding pro se and in forma pauperis. Pending before the Court is Defendants' motion for summary judgment, filed May 19, 2010. Fed. R. Civ. P. 20, 21.

The Court has reviewed the record in this action and finds that conservation of the Court's resources, and fairness to the parties, is best served by consideration of the pending motion for summary judgment following submission of Plaintiff's opposition and Defendants' reply thereto.

Accordingly, in light of 28 U.S.C. § 476(a)(1), the Civil Justice Reform Act, Defendants' motion for summary judgment, filed May 19, 2010, is ORDERED CONTINUED from the Court's calendar until Plaintiff's opposition and Defendants' subsequent reply is filed and the motion is submitted pursuant to Local Rule 230.

IT IS SO ORDERED.

**Dated: March 5, 2012**

**/s/ Lawrence J. O'Neill**  
UNITED STATES DISTRICT JUDGE