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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
Fresno Division**

ANTHONY DAVIS
CDCR #T-48683,

Plaintiff,

vs.

A. LYNN, et al.,

Defendants.

Civil No. 1:08cv1245 BTM (BLM)

**ORDER SETTING BRIEFING
SCHEDULE RE DEFENDANTS'
MOTION TO DISMISS
AND SUBMITTING MATTER
FOR DETERMINATION
WITHOUT ORAL
ARGUMENT**

Plaintiff, a state inmate currently incarcerated at Pleasant Valley State Prison located in Coalinga, California, filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 22, 2008. He has been granted leave to proceed *in forma pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915(a).

On July 8, 2009, Defendants filed a Motion to Dismiss pursuant to FED.R.CIV.P. 12(b)(6) [Doc. No. 16].

Accordingly, the Court sets the following briefing schedule:

- 1) Defendants’ Motion to Dismiss is calendared for hearing on **Friday, September 4, 2009** at 11:00 a.m. in Courtroom 15.
- 2) Plaintiff, if he chooses, may file an Opposition to Defendants’ Motion and serve it upon Defendants’ counsel of record no later than **Friday, August 21, 2009**.

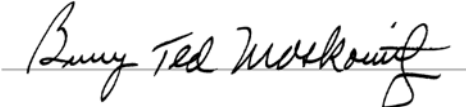
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3) Defendants may file a Reply to Plaintiff's Opposition, and serve it upon Plaintiff no later than **Friday, August 28, 2009.**

At the time appointed for hearing, the Court will consider Defendants' Motion to Dismiss pursuant to FED.R.CIV.P. 12(b)(6) as submitted on the papers, and will issue its written opinion soon thereafter. Thus, no appearances are required and no oral argument will be heard.

IT IS SO ORDERED.

DATED: July 16, 2009


Honorable Barry Ted Moskowitz
United States District Judge