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


John Fratus,)	No. CV-08-1500-ROS
Plaintiff,)	ORDER
vs.)	
Sergeant Peterson, et al.,)	
Defendants.)	

The Ninth Circuit recently remanded this case “for the district court to follow the framework outlined in [*Albino v. Baca*, 747 F.3d 1162 (9th Cir. 2014)] in deciding the failure to exhaust issue on the 2007 claim.” (Doc. 25-1 at 2-3). Based on that, Defendants will be instructed to either file a motion for summary judgment or an answer to the complaint regarding the January 2007 claim. Given the age of this case, the parties should not expect extensions of briefing deadlines.

Accordingly,

IT IS ORDERED no later than October 10, 2014 Defendants shall file a motion for summary judgment or an answer regarding the January 2007 claim.

DATED this 18th day of September, 2014.



Honorable Roslyn O. Silver
Senior United States District Judge