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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL LOUIS FOSTER,

CASE NO. 1:08-cv-01849-LJO-SKO PC

Plaintiff,

ORDER STRIKING AMENDED
DECLARATIONS

v.

(Doc. 83)

A. ENENMOH,

Defendant.

Plaintiff Michael Louis Foster, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 3, 2008. On October 1, 2012, Defendant filed a motion for summary judgment and after obtaining two extensions of time, Plaintiff filed his opposition on December 3, 2012.

On December 4, 2012, without seeking leave of court, Defendant filed a notice directed to the Clerk of the Court requesting that the attached declarations be substituted for the previously-filed declarations due to revisions made pursuant to 28 U.S.C. § 1746.

Defendant failed to seek leave of court and Defendant’s action is prejudicial to Plaintiff, who just filed his lengthy opposition. Defendant enjoys no entitlement to amend his pending motion for summary judgment without leave of court, and his filing is **HEREBY ORDERED STRICKEN** from the record.

IT IS SO ORDERED.

Dated: December 5, 2012

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE