UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT GONZALES SAENZ,

Plaintiff,

v.

SGT. D. REEVES,

Defendant.

/

CASE NO. 1:09-cv-00557-BAM PC

ORDER GRANTING IN PART PLAINTIFF'S MOTION TO FILE A REPLY TO DEFENDANT'S NOTICE OF FILING OF INMATE APPEALS

(ECF No. 68)

TWENTY-DAY DEADLINE

Plaintiff Robert Gonzales Saenz ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Defendant Reeves filed a motion to dismiss for failure to exhaust on April 22, 2011. Plaintiff filed an opposition on May 10, 2011, and Defendant filed a reply on May 16, 2011.

On October 24, 2011, an order issued directing Defendant to file a copy of Plaintiff's inmate appeals. The documents were filed on November 18, 2011, however the first page of appeal no. SATF E-07-00748 was missing and Defendant was unable to locate the citizens complaint which Plaintiff alleged he submitted. On November 22, 2011, Defendant filed a complete copy of the inmate appeal. Plaintiff filed a motion to file a reply to the notice of filing on November 30, 2011.

Plaintiff's request shall be granted to the extent that he may file a copy of the staff complaint which he alleges exhausted his administrative remedies. However, Plaintiff's request to file further briefing is denied. Plaintiff has filed an opposition which has been considered by the Court and no further briefing is necessary.

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Accordingly, it is HEREBY ORDERED that:

1. Plaintiff's motion to file a reply is GRANTED IN PART and Plaintiff may file a copy of the citizens complaint within twenty days from the date of service of this order; and

2. Plaintiff's motion to file further briefing is DENIED.

IT IS SO ORDERED.

Dated: **December 1, 2011**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE