

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

WILLIAM SUTHERLAND,
Plaintiff,
vs.
JAMES A. YATES, et al.,
Defendants.

1:09-cv-02152-LJO-GSA-PC
ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO FILE LATE
REPLY
(Doc. 86.)
ORDER DEEMING REPLY TIMELY
FILED
(Doc. 87.)

I. BACKGROUND

William Sutherland ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on December 11, 2009. (Doc. 1.) This action now proceeds on the First Amended Complaint, filed by Plaintiff on December 6, 2010, against defendants C/O A. Fernando and C/O M. Jericoff for use of excessive force; against defendant Warden James Yates for failure to protect Plaintiff; and on Plaintiff's related state claims. (Doc. 15.)

On September 6, 2013, Plaintiff filed a Rule 37(b) motion. (Doc. 78.) On October 10, 2013, Defendants filed an opposition. (Doc. 83.)

On November 12, 2013, Plaintiff filed a motion for leave to file a late reply to Defendants' opposition. (Doc. 86.) Plaintiff also filed the reply on November 12, 2013. (Doc. 87.) Good cause appearing, Plaintiff's motion shall be granted.

1 Accordingly, good cause having been presented to the court and GOOD CAUSE
2 APPEARING THEREFOR, IT IS HEREBY ORDERED that:

3 1. Plaintiff's motion for leave to file a late reply to Defendants' opposition to
4 Plaintiff's Rule 37(b) motion is GRANTED; and

5 2. Plaintiff's reply to Defendants' opposition, filed on November 12, 2013, is
6 DEEMED timely filed.

7
8
9 IT IS SO ORDERED.
10

11 Dated: November 13, 2013

/s/ Gary S. Austin
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28