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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ARTHUR T. BUSSIERE,

Plaintiff,

v.

CANO, et al.,

Defendants.

CASE NO. 1:10-cv-00945-AWI-GBC (PC)

ORDER FINDING MOTIONS TO
SUPPLEMENT OR STRIKE OBJECTIONS AS
MOOT AS PLAINTIFF FILED AN AMENDED
OPPOSITION PURSUANT TO WOODS v.
CAREY

Docs. 91, 97, 98

On May 26, 2010, Plaintiff Arthur T. Bussiere (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983.

On November 7, 2011, Defendant Lopez filed a Motion to Dismiss for failure to exhaust administrative remedies. Doc. 62. On December 2, 2011, Plaintiff filed an Opposition to Defendant’s motion to dismiss. Doc. 68. On December 13, 2011, Defendant filed a Reply to Plaintiff’s opposition. Doc. 69. On January 9, 2012, Plaintiff filed a Sur-Reply. Doc. 70. On March 5, 2012, the Magistrate Judge issued Findings and Recommendations, recommending granting Defendant’s motion to dismiss, for failure to exhaust administrative remedies. Doc. 81. On March 23, 2012, Plaintiff filed Objections. Doc. 84. On May 29, 2012, Plaintiff filed an Addendum to Objections. Doc. 90. On June 5, 2012, Defendant Lopez filed a Motion to Strike Plaintiff’s Addendum to Objections. Doc. 91. On June 11, 2012, Plaintiff filed a Second Addendum to Objections. Doc. 92. On June 18, 2012, Plaintiff filed an Opposition to Defendant Lopez’s Motion to Strike. Doc. 94. On July 18, 2012 and July 23, 2012, Plaintiff filed motions to supplement his objections / opposition. Docs. 97, 98.

1 On July 6, 2012, the Ninth Circuit found that the notice and warning of requirements for
2 opposing a defendant's motion to dismiss should be issued contemporaneously when a defendant
3 files a motion to dismiss, as opposed to a year or more in advance. *Woods v. Carey*, 684 F.3d 934,
4 936 (9th Cir. 2012). On July 18, 2012, the Court issued an amended second informational order to
5 Plaintiff, in accordance with *Woods*, and provided Plaintiff with twenty-one (21) days to stand on
6 his existing opposition or withdraw his opposition and file an amended opposition. Docs. 95, 96. On
7 August 2, 2012, Plaintiff filed an amended opposition to the motion to dismiss. Doc. 99. Defendant
8 did not file an amended reply. Thus, the Court will decide Defendant's motion on Plaintiff's
9 amended opposition to the motion to dismiss, pursuant to *Woods*. Therefore, Plaintiff's motions to
10 supplement his objections / opposition and Defendant's motions to strike Plaintiff's supplemental
11 objections are MOOT for review.

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14 IT IS SO ORDERED.

15 Dated: August 23, 2012

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17 UNITED STATES MAGISTRATE JUDGE