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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY MARQUEZ,

CASE NO. 1:10-cv-01965-BAM PC

Plaintiff,

ORDER PERMITTING PLAINTIFF
OPPORTUNITY TO FILE OPPOSITION IN
LIGHT OF SEPARATELY-ISSUED MOTION
TO DISMISS NOTICE

v.

I. QUINTERO, et al.,

THIRTY DAY DEADLINE

Defendants.

Plaintiff Anthony Marquez is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants Quintero and Horban for deliberate indifference in violation of the Eighth Amendment. On April 6, 2012, Defendant Horban filed a motion to dismiss for failure to exhaust administrative remedies.

In light of the recent decision in Woods v. Carey, Nos. 09-15548, 09-16113, 2012 WL 2626912, at *5 (9th Cir. Jul. 6, 2012), Plaintiff must be provided with “fair notice” of the requirements for opposing a motion to dismiss for failure to exhaust at the time the motion is brought and the notice given in this case some three months prior does not suffice. Id.

By separate order issued concurrently with this order, the Court provided the requisite notice. Having been provided with the required notice, Plaintiff shall be granted an opportunity to file an opposition to the motion to dismiss.

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Accordingly, it is HEREBY ORDERED that:

1. Plaintiff may, within **thirty (30) days** from the date of service of this order, file an opposition to Defendant Horban’s motion to dismiss.

IT IS SO ORDERED.

Dated: July 12, 2012

/s/ **Barbara A. McAuliffe**
UNITED STATES MAGISTRATE JUDGE