

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

ANTHONY NGUYEN,
Plaintiff,
v.
M. D. BITER,
Defendant.

Case No. 1:11-cv-00809-AWI-SKO (PC)
ORDER REGARDING SUBMISSION OF
SUPPLEMENTAL EXHIBIT
(Doc. 124)

Plaintiff Anthony Nguyen, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 18, 2011. This action is proceeding against Defendant Biter for violation of the Eighth Amendment of the United States Constitution.

On September 16, 2014, Defendant filed a motion for terminating sanctions, and on September 23, 2014, Defendant filed a motion to stay the proceedings. (Doc. 113.) Plaintiff filed oppositions on October 1, 2014, and Defendant filed a reply on October 15, 2014. (Docs. 118, 119, 123.)

On October 20, 2014, Plaintiff submitted an additional exhibit in support of his opposition to Defendant's motion for terminating sanctions. Plaintiff represents that the exhibit, a mail log, was not previously available to him. Plaintiff is notified that permissible briefing is limited to a motion, an opposition, and a reply, absent leave of court. Local Rule 230(l). In this instance, the Court will make an exception and accept the supplemental exhibit because it appears to be relevant and Plaintiff is entitled to some leniency as a pro se litigant. However, Plaintiff is

1 notified that Defendant's motion for terminating sanctions has been submitted upon the record,
2 and briefing is now complete. Local Rule 230(l). If additional briefing is submitted without
3 seeking leave of court, the filing will be summarily stricken from the record. *Id.*

4 Accordingly, as set forth above, the parties are HEREBY NOTIFIED that the supplemental
5 exhibit filed on October 20, 2014, will be considered, but there will be no further briefing absent a
6 request for leave to file additional briefing, supported by good cause.¹

7
8

9 IT IS SO ORDERED.

10 Dated: October 28, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

¹ The desire to cite additional authority or have the last word is not good cause.