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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DWAYNE L. BURGESS,
Plaintiff,
v.
RAYA, et al,
Defendants.

1:11-cv-00921-LJO-JLT (PC)
**ORDER GRANTING EXTENSION OF
TIME FOR DEFENDANTS TO RESPOND
TO PLAINTIFF'S DISCOVERY AND FOR
PLAINTIFF TO FILE AN OPPOSITION TO
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT**
(Doc. 61)

Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is proceeding on his claims against Defendants Raya, Garcia, Polanco, and Fernandez for battery under California law and excessive force in violation of the Eighth Amendment and against Defendants Raya and Polanco under the additional claims of conspiracy and retaliation in violation of the First Amendment as stated in the Third Amended Complaint. (Docs. 27, 29, 32.)

On March 9, 2015, Plaintiff filed a motion requesting that Defendants' pending motion for summary judgment (Doc. 60) either be denied or postponed as the parties have been amicably working together and he has not received full responses from Defendants to his outstanding discovery, but had been assured that they were forthcoming; and after their receipt he intends to file an opposition to Defendants' motion for summary judgment. (Doc. 61.) Defendants filed a statement of non-opposition concurring that the parties have been very amicable in this action and

1 that they are willing to provide responses not previously provided to Plaintiff in the next thirty
2 days and for Plaintiff to file his opposition to their motion for summary judgment in the next sixty
3 days. (Doc. 62.) Given the parties' agreement, the motion is deemed submitted.

4 Accordingly, it is HEREBY ORDERED that:

- 5 1. Defendants shall serve their response to all of Plaintiff's outstanding discovery
6 within **30 days** from the date of service of this order;
- 7 2. Plaintiff shall file an opposition or a statement of non-opposition to the motion
8 within **60 days** from the date of service of this order;¹ and
- 9 3. **Plaintiff is warned that the failure to file an opposition or a statement of non-**
10 **opposition within 60 days from the date of service of this order will result in**
11 **dismissal of this action, with prejudice, for failure to prosecute.**

12 IT IS SO ORDERED.

13 Dated: March 10, 2015

14 /s/ Jennifer L. Thurston
15 UNITED STATES MAGISTRATE JUDGE

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¹ A Third Informational Order containing the requirements to oppose a motion for summary judgment is issuing concurrently herewith.