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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JAMISI JERMAINE CALLOWAY,)	Case No.: 1:11-cv-01090-LJO-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING PLAINTIFF’S REQUEST TO
v.)	DISMISS DEFENDANTS’ MOTION FOR
)	SUMMARY JUDGMENT AS UNTIMELY
G. KELLEY, et al.,)	
)	[ECF No. 89]
Defendants.)	
)	
)	

Plaintiff Jamisi Jermaine Calloway is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On February 25, 2015, Plaintiff filed a motion requesting dismissal of Defendants’ motion for summary judgment as untimely. Defendants filed an opposition on March 4, 2015. (ECF No. 90.) The motion is deemed submitted pursuant to Local Rule 230(l) as no reply was filed following seven days after the opposition was filed.

In the present motion, Plaintiff contends that Defendants failed to file their motion for summary judgment by the February 16, 2015, deadline as set forth in the amended discovery and scheduling order. (ECF No. 56.) Plaintiff’s motion must be denied.

While Plaintiff is correct that the deadline for filing of dispositive motions was February 16, 2015, such date fell on the Presidents’ Birthday, a recognized legal holiday. Under Federal Rule of Civil Procedure 6(a)(1), if the last day of a time period falls on a legal holiday, the period continues to

1 run until the end of the next day that is not a legal holiday. Therefore, pursuant to Rule 6(d) the time
2 to file a dispositive motion was extended to the end of the following day, February 17, 2015.
3 Defendants' motion for summary judgment was filed on February 17, 2015, and is therefore timely.
4 Accordingly, Plaintiff's request to dismiss Defendants' motion for summary judgment was untimely is
5 DENIED.

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7 IT IS SO ORDERED.

8 Dated: April 15, 2015



UNITED STATES MAGISTRATE JUDGE

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