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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES M. LANIER,)	1:11-cv-01613 LJO GSA
)	
Plaintiff,)	ORDER SETTING DATE FOR
)	DEFENDANT’S RESPONSE TO
v.)	PLAINTIFF’S REQUEST FOR
)	CONTINUANCE
)	(Doc. 44).
)	
CLOVIS UNIFIED SCHOOL DISTRICT,)	
)	ORDER VACATING ORDER SIGNED ON
Defendant.)	FEBRUARY 15, 2013 (Doc. 47)
_____)	

On January 28, 2013, Plaintiff, James Lanier (“Plaintiff”) submitted a request to continue this matter for thirty or forty-five days. (Doc. 44). The basis of the request is that Plaintiff had surgery on January 28, 2013 . On January 31, 2013, this Court issued an order requiring that Plaintiff submit additional medical information within five days in support of his request for continuance.

On February 15, 2013, the Court signed an Order denying Plaintiff’s motion because no documentation had been received. (Doc. 47). Plaintiff submitted the requested documentation

1 later in the day on February 15, 2013, after the Order was signed.¹ (Doc. 46). Although
2 Plaintiff's submission is untimely, the Court will accept Plaintiff's late filing given the
3 circumstances. As such, the Court vacates the order signed on February 15, 2013, denying
4 Plaintiff's request for continuance. (Doc. 47).

5 Defendant, Clovis Unified School District ("Defendant") shall file a pleading outlining its
6 position regarding Plaintiff's request for a continuance no later than **Monday, February 25,**
7 **2013.** Defendant is advised that failure to file a response as ordered may result in the granting of
8 Plaintiff's request.

9 IT IS SO ORDERED.

10 **Dated: February 20, 2013**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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27 ¹ This Order was not docketed until February 19, 2013. (Doc. 47).