## UNITED STATES DISTRICT COURT

## EASTERN DISTRICT OF CALIFORNIA

ROBIN DASENBROOK,	) Case No.: 1:11-cv-01884 DAD DLB PC
Plaintiff,	ORDER REGARDING PLAINTIFF'S MOTIONS FOR CLARIFICATION AND/OR RECONSIDERATION
vs.	) [ECF No. 186, 187]
A. ENENMOH, et al.,	
Defendants.	,

Plaintiff Robin Dasenbrook ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 28 U.S.C. § 1983. This action is proceeding against Defendants Enenmoh, Page, Perez, and Adair for claims of negligence and deliberate indifference to a serious medical need in violation of the Eighth Amendment.

On September 11, 2013, the Court issued a Discovery and Scheduling Order. At the time, not all Defendants had appeared in this action. On May 9, 2014, Defendants Enenmoh and Page filed a motion for summary judgment. Plaintiff filed an opposition on June 12, 2014, and Defendants filed a reply on July 14, 2014. On September 17, 2014, in light of the re-opening of discovery as to additional defendants, the Court dismissed the motion without prejudice to refiling. In light of the confusion and Plaintiff's attempts to supplement his opposition, it was

stated that Plaintiff would be given an opportunity to file a full and complete opposition once Defendants Enenmoh and Page's motion for summary judgment was re-filed.

On July 1, 2016, Defendants Enenmoh and Page filed a request for clarification regarding their motion for summary judgment that had been previously dismissed. Defendants asked that in the interest of judicial economy the Court to reinstate their motion for summary judgment now that the issue of unidentified defendants had been resolved. On July 6, 2016, the Court granted the motion and reinstated their motion for summary judgment.

On July 20, 2016, Plaintiff filed two motions for clarification and/or reconsideration concerning the Court's reinstatement of the motion for summary judgment. Plaintiff states the Court did not address whether Plaintiff would be allowed to file a full and complete opposition as stated in the Court's September 17, 2014, order. Good cause having been presented, Plaintiff's motion is GRANTED. Plaintiff will be granted thirty (30) days to file an opposition to Defendants Enenmoh and Page's motion for summary judgment. Plaintiff is advised that the opposition will supersede the previous opposition filed as well as the supplements thereto. See ECF Nos. 79, 85, 88. Given the filing of a new opposition, Defendants Enenmoh and Page will be granted thirty (30) days from the date of service of Plaintiff's opposition to file a reply. Said reply will supersede the reply previously filed. See ECF No. 90. If Defendants so choose, they may file instead a request to reinstate the July 14, 2014, reply.

## **ORDER**

Accordingly, IT IS HEREBY ORDERED:

- 1) Plaintiff's motions for clarification and/or reconsideration are GRANTED;
- Plaintiff is GRANTED thirty (30) days from the date of service of this order to file an opposition to Defendants Enenmoh and Page's May 9, 2014, motion for summary judgment; and
- 3) Defendants Enenmoh and Page are GRANTED thirty (30) days from the date of service of Plaintiff's opposition to file a reply, or a request to reinstate the July 14,

2014, reply. The deadlines set forth in the second Discovery and Scheduling Order of June 24, 2016, concerning Defendants Adair and Perez remain the same. IT IS SO ORDERED. 1s/ Dennis L. Beck Dated: **July 22, 2016** UNITED STATES MAGISTRATE JUDGE