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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 OSCAR MARSHALL,

12 Plaintiff,

13 v.

14 PAM AHLIN, et al.,

15 Defendants.  
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Case No. 1:11-cv-01908 LJO DLB PC

ORDER GRANTING PLAINTIFF'S  
MOTION TO ADD EXHIBIT TO  
OBJECTIONS  
[ECF No. 43]

17 Plaintiff Oscar Marshall ("Plaintiff") is a civil detainee in the custody of the California  
18 Department of Mental Health, detained pursuant to California's Sexually Violent Predator Act  
19 ("SVPA"), Cal. Welf. & Inst. Code § 6600 et seq. This action is proceeding on Plaintiff's complaint  
20 filed on November 16, 2011, against Defendants F. Moreno and R. Medina for violation of the  
21 Fourth Amendment and excessive force in violation of the Due Process Clause of the Fourteenth  
22 Amendment. On August 18, 2014, Defendants filed a motion for summary judgment. On January  
23 20, 2015, Plaintiff filed an opposition to the motion for summary judgment and a cross-motion for  
24 summary judgment. On January 28, 2015, Defendants filed a reply to Plaintiff's opposition and an  
25 opposition to Plaintiff's cross-motion. On February 13, 2015, Plaintiff filed a reply to Defendants'  
26 opposition to his cross-motion.

27 On March 10, 2015, Plaintiff filed the instant motion to submit newly discovered evidence.  
28 Defendants did not file an opposition. Plaintiff requests that he be permitted to add "Appendix K" to

1 his appendix of documents attached to his opposition to Defendants' motion for summary judgment.  
2 The Court will grant Plaintiff's request. The document will be considered as part of the Appendix  
3 attached to Plaintiff's opposition. However, the Court makes no ruling as to the relevance of the  
4 document.

5 **ORDER**

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1) Plaintiff's motion to add Appendix K to his opposition is GRANTED;  
8 2) Defendants are GRANTED twenty-one (21) days from the date of service of this order to  
9 amend their reply and address Appendix K, if necessary.  
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11 IT IS SO ORDERED.

12 Dated: April 22, 2015

/s/ Dennis L. Beck  
13 UNITED STATES MAGISTRATE JUDGE  
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