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

JOHN FRATUS,

Plaintiff,

v.

CALIFORNIA DEPT. OF  
CORRECTIONS, et al.,

Defendants.

Case No. 1:12-cv-00906-LJO-SKO (PC)

ORDER GRANTING IN PART MOTIONS,  
VACATING DISCOVERY AND PRETRIAL  
DISPOSITIVE MOTION DEADLINES,  
RELIEVING PLAINTIFF FROM FILING  
REPLY, REQUIRING PLAINTIFF TO FILE  
STATUS REPORT BY APRIL 6, 2015, AND  
DIRECTING SERVICE OF ORDER ON  
PLAINTIFF AT CSP-CORCORAN

(Docs. 54, 55, and 57)

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Plaintiff John Fratus, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 4, 2012. Plaintiff filed a motion for summary judgment on November 14, 2014, and Defendants Beard and Callow filed an opposition on January 21, 2015. Plaintiff filed motions seeking extensions of time to file his reply on January 30, 2015, February 2, 2015, and March 5, 2015.

Plaintiff's concern regarding mail tampering by prison officials is unfounded. The Court is aware that Plaintiff is being temporarily housed at California State Prison-Corcoran and his property remains at California State Prison-Sacramento. Because Plaintiff's current housing situation is purportedly temporary and he has represented he anticipates being returned to CSP-Sacramento, the Court has been deferring granting an extension of time to reply until Plaintiff

1 returns to his previous institution and regains access to his property. Plaintiff has not been, nor  
2 will he be, precluded exercising his right to file a reply. Local Rule 230(l).

3 Based on Plaintiff's current housing situation, which still appears to be temporary, and his  
4 lack of access to his property, the Court HEREBY ORDERS as follows:

- 5 1. The Clerk's Office shall send Plaintiff a copy of the docket;
- 6 2. The discovery and pretrial dispositive motions deadlines are VACATED pending  
7 further order;
- 8 3. Plaintiff's motions for an extension of time to file a reply are GRANTED and  
9 Plaintiff is relieved of the reply deadline pending further order;
- 10 4. Plaintiff shall file a status report on or before April 6, 2015, notifying the Court and  
11 Defendants of his housing situation;<sup>1</sup> and
- 12 5. The Clerk's Office shall serve a copy of this order on Plaintiff at CSP-Corcoran.

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14 IT IS SO ORDERED.

15 Dated: March 6, 2015

15 /s/ Sheila K. Oberto  
16 UNITED STATES MAGISTRATE JUDGE

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28 <sup>1</sup> If Plaintiff is still at CSP-Corcoran, he shall state when he anticipates being transferred, if known. If Plaintiff is back at CSP-Sacramento, he shall state whether he has access to his property and if not, when he anticipates regaining access.