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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CORNELL BROWN,
Plaintiff,
vs.
R. HARRIS, et al.,
Defendants.

1:12-cv-01472-LJO-GSA-PC
ORDER DENYING DEFENDANTS’
MOTION TO STRIKE
(Doc. 44.)
ORDER GRANTING EXTENSION OF
TIME FOR DEFENDANTS TO FILE
REPLY TO PLAINTIFF’S AMENDED
OPPOSITION
DEADLINE: June 6, 2014

Cornell Brown (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds on Plaintiff’s initial Complaint filed on September 10, 2012, against defendant Harris for excessive force in violation of the Eighth Amendment, and defendant Nelson for failure to protect Plaintiff in violation of the Eighth Amendment. (Doc. 1.)

On May 14, 2014, defendants Harris and Nelson (“Defendants”) filed a motion to strike Plaintiff’s amended opposition to their motion to dismiss. (Doc. 44.) Defendants argue that Plaintiff improperly filed the amended opposition after the date the Motion to Dismiss was fully submitted, and Plaintiff did not request leave to file an amended opposition.

Defendants are mistaken in their assertion that Plaintiff improperly filed the amended opposition. The court’s order issued on April 11, 2014, granted Plaintiff leave to file an

1 amended opposition within thirty days. (Doc. 40.) Plaintiff filed the amended opposition in a
2 timely manner on May 7, 2014. (Doc. 42.) Therefore, Defendants' motion to strike the
3 amended opposition shall be denied.

4 Defendants have requested that in the event their motion to strike is denied, they be
5 granted an extension of time to file a reply to the amended opposition. Good cause appearing,
6 Defendants shall be granted an extension of time.

7 Accordingly, based on the foregoing, IT IS HEREBY ORDERED that:

- 8 1. Defendants' motion to strike, filed on May 14, 2014, is DENIED; and
- 9 2. Defendants are GRANTED an extension of time until June 6, 2014, in which to
10 file a reply to Plaintiff's amended opposition of May 7, 2014.

11 IT IS SO ORDERED.

12
13 Dated: May 16, 2014

/s/ Gary S. Austin
14 UNITED STATES MAGISTRATE JUDGE