

1 remedies prior to filing suit. (ECF No. 26.) No answer to the complaint was filed, and the parties
2 proceeded to brief the motion for partial summary judgment over the next several months.

3 On August 24, 2016, the undersigned issued findings and recommendations recommending
4 that Defendant's partial motion for summary judgment be denied in part and granted in part. (ECF No.
5 46.) Following some extensions of time, (ECF Nos. 50, 52), on November 15, 2016, Plaintiff objected
6 to those findings and recommendations, (ECF No. 55).

7 On January 4, 2017, the District Judge adopted the findings and recommendations in full, over
8 Plaintiff's objections. (ECF No. 57.) Specifically, the District Judge ordered that Plaintiff's claims that
9 Defendant retaliated against him for filing an administrative grievance be dismissed without prejudice.
10 Thus, the case proceeds on Plaintiff's claim that Defendant interfered with his receipt of incoming
11 mail and failed to notify him that his mail was being withheld. The District Judge also referred his
12 matter to the undersigned for further proceedings. The January 4, 2017 order was entered by the Clerk
13 of the Court on January 5, 2017, and electronic notice was provided to defense counsel on that date,
14 while Plaintiff was served with the order by mail.

15 Defendant's motion for partial summary judgment having been disposed of, Defendant is now
16 required to file and serve a responsive pleading to the complaint. See Mann v. Lee, No. C 07-00781
17 MMC (PR), 2009 WL 5178095, at *2 (N.D. Cal. Dec. 22, 2009) (discussing that a motion for
18 summary judgment that adequately contests the action extends the time for a defendant to file a
19 responsive pleading to the complaint until after summary judgment is decided, pursuant to the tolling
20 provisions of Rule 12(a)). Under the relevant provisions of Rule 12(a), a responsive pleading must be
21 served within fourteen days after notice of the Court's disposition of Defendant's motion for partial
22 summary judgment. See Fed. R. Civ. P. 12(a)(4)(A).

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Accordingly, it is HEREBY ORDERED that Defendant file and serve a responsive pleading to Plaintiff's complaint on or before January 19, 2017.

IT IS SO ORDERED.

Dated: January 6, 2017



UNITED STATES MAGISTRATE JUDGE