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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID STRATMON, JR.,
Plaintiff,
v.
ANGELA MORRIS,
Defendant.

No. 1:12-cv-018370-DAD-SAB-PC
ORDER REQUIRING RESPONSE TO
DEFENDANT’S MOTION FOR SUMMARY
JUDGMENT
(ECF No. 67)

Plaintiff David Stratmon, Jr., is a federal prisoner proceeding pro se in this civil rights action pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971).

On November 30, 2017, Defendant Morris filed a motion for summary judgment. (ECF No. 67.) Plaintiff did not respond to that motion within the time permitted. Instead, on December 7, 2017, Plaintiff filed a motion for judgment by default and to strike defendant’s answer on the basis that his ability to litigate this case had been curtailed due to the destruction and confiscation of his legal property. (ECF No. 68.)

On January 17, 2018, the undersigned issued findings and recommendations recommending that Plaintiff’s motion be denied. (ECF No. 69.) On April 13, 2018, the District Judge adopted the findings and recommendations over Plaintiff’s objection, and referred this matter back to the undersigned for further proceedings consistent with that order. (ECF No. 72.)

1 Based on the foregoing, the Court finds it appropriate to set a new deadline for Plaintiff to
2 file his response to Defendant's motion for summary judgment. His response shall be due within
3 thirty (30) days from the date of service of this order. Plaintiff may inform the Court through a
4 written declaration filed with his response whether any papers, evidence, or other materials are
5 missing that are necessary to oppose Defendant's motion, and may argue whether he is prejudiced
6 as a result. If necessary, Defendant may submit a response to any such arguments in addition to a
7 reply brief supporting Defendant's motion for summary judgment.

8 Accordingly, it is HEREBY ORDERED that Plaintiff's response to Defendant's motion
9 for summary judgment shall be filed within **thirty (30) days** of the date of service of this order.

10 IT IS SO ORDERED.

11 Dated: April 16, 2018

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14 UNITED STATES MAGISTRATE JUDGE
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