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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KEVIN DEON BRAZIER,
Plaintiff,
v.
JEFFREY A. BEARD, et al.,
Defendants.

1:13-cv-00787-LJO-MJS (PC)
ORDER DENYING AS MOOT PLAINTIFF'S
MOTION FOR LEAVE TO RE-SERVE
OBJECTIONS TO FINDINGS AND
RECOMMENDATIONS
(ECF No. 64)

Plaintiff is a prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983. On January 17, 2017, the Magistrate Judge issued findings and recommendations to grant Defendants' motion for summary judgment on exhaustion grounds. (ECF No. 60.) Parties were given fourteen days to file their objections.

On February 10, 2017, Plaintiff's objections, dated January 24, 2017, were filed with the Court. (ECF No. 63.) On February 13, 2017, Plaintiff filed a "Motion for Leave to File and Serve an Amended Objections to the Magistrate Judge's Findings and Recommendations." (ECF No. 64.) Therein, Plaintiff does not seek leave to amend the substance of his objections; rather, he seeks leave to re-serve his objections on Defendants, as the copy he originally sent was returned by the post office after Plaintiff

1 mistakenly mailed it to the wrong address.

2 Plaintiff correctly points out that defense counsel was timely served on February
3 10, 2017, when the objections were filed with the Court through the CM/ECF system.
4 Local Rule 135(a) (“Service’ as utilized in these Rules includes electronic service as set
5 forth in the CM/ECF procedures in these Rules Service via this electronic Notice
6 constitutes service pursuant to Fed. R. Civ. P. 5(b)(2)(E).”); see also Local Rule
7 135(g)(1) (completion of the attorney registration for electronic filing constitutes consent
8 to receive filings electronically unless the attorney affirmatively opts out.) Furthermore,
9 Defendants themselves acknowledge that they are in possession of Plaintiff’s objections.
10 (See D.’s Mot. for Extension (ECF No. 65) at 2) (“Plaintiff filed his Objections on
11 February 10, 2017.”) Plaintiff need do nothing further.

12 Accordingly, Plaintiff’s motion is DENIED as moot.

13 IT IS SO ORDERED.

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15 Dated: February 22, 2017

1st Michael J. Seng
16 UNITED STATES MAGISTRATE JUDGE
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