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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ADAM R. LOPEZ,
Plaintiff,
v.
ALLISON, et al.,
Defendants.

Case No. 1:13-cv-02010-AWI-JLT (PC)
**ORDER GRANTING PLAINTIFF’S REQUEST
FOR CLARIFICATION RE PLEADING
PRACTICE**
(Doc. 38)

On January 22, 2016, Plaintiff filed a motion requesting clarification as to what, if anything, he is required or allowed to file in response to the reply Defendants’ filed on January 5, 2016, to Plaintiff’s opposition, to Defendants’ motion to dismiss. (Doc. 38.)

Local Rule 230(l) applies to motions in prisoner actions and provides as follows:

All motions, except motions to dismiss for lack of prosecution, filed in actions wherein one party is incarcerated and proceeding *in propria* persona, shall be submitted upon the record without oral argument unless otherwise ordered by the Court. Such motions need not be noticed on the motion calendar. Opposition, if any, to the granting of the motion shall be served and filed by the responding party not more than twenty-one (21) days after the date of service of the motion. A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect, specifically designating the motion in question. Failure of the responding party to file an opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions. The moving party may, not more than seven (7) days after the opposition has been filed in CM/ECF, serve and file a reply to the opposition. All such motions will be deemed submitted when the time to reply has expired.

1 Thus, Plaintiff need not, and indeed may not, file anything in response to Defendants' reply.
2 Defendants' motion to dismiss, filed on August 18, 2015, is now deemed submitted and will be
3 decided by the Court in due course.

4 Accordingly, to the extent that Plaintiff was previously unaware of the above pleading
5 practices, his motion for clarification, filed on January 22, 2016, is **GRANTED**.

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7 IT IS SO ORDERED.

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Dated: January 26, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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