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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SILUS M. VALSON,
Plaintiff,
v.
MATTHEW CATE and MARTIN BITER,
Defendants.

Case No. 1:14-cv-01420-DAD-EPG (PC)
**ORDER GRANTING DEFENDANTS
TWENTY-EIGHT DAYS TO FILE AN
ANSWER OR RENEW THEIR MOTION TO
DISMISS SOLELY ON THE ISSUE OF
QUALIFIED IMMUNITY**

On September 21, 2017, District Judge Dale A. Drozd denied Defendants' motion to dismiss. (ECF No. 22, p. 5). Because the deadline for Defendants to file an answer passed (see Fed. R. Civ. P. 12(a)(4)(A)), and nothing had been filed by either party, the Court directed each party to file a status report. (ECF No. 24).

On October 26, 2017, Defendants filed their status report. (ECF No. 25). According to Defendants, Defendants believed that the motion to dismiss was still pending on the issue of qualified immunity. If their motion to dismiss is not still pending, Defendants ask that they be given twenty-eight days to renew their motion to dismiss on qualified immunity grounds or file an answer.

While Judge Drozd's order does not address the defense of qualified immunity, it denied

1 Defendants' motion to dismiss. (ECF No. 22, p. 5). If Defendants still wish to raise qualified
2 immunity as a defense, the parties should address the issue with the benefit of Judge Drozd's
3 order.

4 Given the above, as well as the apparent confusion regarding whether Defendants' motion
5 to dismiss was still pending, IT IS ORDERED that Defendants have twenty-eight from the date of
6 service of this order to either renew their motion to dismiss solely on the basis of qualified
7 immunity or file an answer. If Defendants renew their motion to dismiss, Plaintiff has twenty-one
8 days after the date of service of the motion to file his opposition or statement of non-opposition.
9 Local Rule 230(l). Defendants may, "not more than seven (7) days after the opposition has been
10 filed in CM/ECF, serve and file a reply to the opposition." Id.

11 IT IS SO ORDERED.

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13 Dated: October 30, 2017

14 /s/ Eric P. Groj
15 UNITED STATES MAGISTRATE JUDGE
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