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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PABLO HOLGUIN,)	1:16-cv-0346-DAD-BAM (PC)
)	
Plaintiff,)	ORDER REQUIRING DEFENDANT TO
)	FILE RESPONSE TO PLAINTIFF’S
v.)	MOTION FOR LEAVE TO AMEND
)	COMPLAINT
R. WICKS,)	
)	(ECF No. 14)
Defendant.)	
)	TWENTY-ONE DAY DEADLINE

Plaintiff Pablo Holguin (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s claim against Defendant Wicks for violation of his procedural due process rights. (ECF No. 8.)

On March 8, 2017, Defendant Wicks filed a motion to dismiss the operative complaint. (ECF No. 12.) In response, Plaintiff filed a motion for an extension of time to oppose the motion to dismiss, which has been granted by the Court. (ECF Nos. 13, 17.) Plaintiff also filed a motion for leave to amend his complaint, (ECF No. 14.), and a motion to lodge documents in support of the amended complaint, (ECF No. 15). The Court has granted Plaintiff’s motion to lodge documents in support of the lodged first amended complaint. (ECF No. 18.)

As the motion to amend may have an impact on the pending motion to dismiss, the Court finds it appropriate for Defendant Wicks to file an opposition or statement of non-opposition in

1 response to Plaintiff's motion to amend the complaint prior to resolution of the motion to
2 dismiss.

3 Accordingly, it is HEREBY ORDERED that Defendant Wicks shall file an opposition or
4 statement of non-opposition to Plaintiff's motion to amend the complaint (ECF No. 14) within
5 **twenty-one (21) days** from the date of this order. Plaintiff's reply, if any, shall be filed within
6 **seven (7) days** following service of an opposition.

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8 IT IS SO ORDERED.

9 Dated: April 17, 2017

/s/ Barbara A. McAuliffe
10 UNITED STATES MAGISTRATE JUDGE
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