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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MARCELLAS HOFFMAN,)	Case No.: 1:16-cv-01617-SAB (PC)
Plaintiff,)	ORDER REGARDING PLAINTIFF’S
v.)	OPPOSITION TO DEFENDANT’S EX PARTE
PRESTON,)	APPLICATION FOR LEAVE TO FILE PRE-
Defendant.)	ANSWER MOTION FOR SUMMARY
)	JUDGMENT OR ANY OTHER FUTURE
)	SUMMARY JUDGMENT MOTION
)	[ECF Nos. 16, 17]
)	
)	

Plaintiff Marcellas Hoffman is a federal prisoner proceeding pro se and in forma pauperis in this civil action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, (1971).

On August 30, 2017, the Court issued an order granting Defendant leave to file a pre-answer motion for summary judgment on exhaustion of administrative remedies by October 30, 2017. (ECF No. 15.)

On September 6, 2017, Plaintiff filed an “Opposition to Defendant’s Ex Parte Application for Leave to File Pre-Answer Motion for Summary Judgment or Any Other Future Summary Judgment Motion. (ECF No. 16.) On September 8, 2017, Defendant filed a reply to that opposition.

To the extent Plaintiff objects to the order granting Defendant leave to file a pre-answer motion for summary judgment, that objection is overruled. Plaintiff has shown no grounds for reconsidering that order.

1 Plaintiff's opposition discusses his contentions that he has properly exhausted his
2 administrative remedies for the claim in this case, and his arguments as to why summary judgment
3 should not be granted in Defendant's favor. As discussed in Defendant's reply, Defendant has not yet
4 filed any motion for summary judgment, and no motion is currently pending before the Court. If
5 Defendant files a motion in accordance with the Court's order, Plaintiff will have an opportunity to
6 oppose it. Plaintiff may also inform the Court at that time whether he chooses to rely on his opposition
7 filed on September 6, 2017, rather than submitting a superseding opposition. Plaintiff should do so by
8 written notice to the Court within the time permitted for filing any opposition to the motion.

9 Accordingly, it is HEREBY ORDERED that Plaintiff's objection to the order granting leave to
10 Defendant to file a pre-answer motion for summary judgment on exhaustion of administrative
11 remedies is overruled.

12
13 IT IS SO ORDERED.

14 Dated: September 11, 2017



UNITED STATES MAGISTRATE JUDGE