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

MARCELLAS HOFFMAN,)	Case No.: 1:16-cv-01617-AWI-SAB (PC)
Plaintiff,)	
v.)	ORDER REGARDING PLAINTIFF’S NOTICE OF OPPOSITION TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT
PRESTON,)	[ECF No. 23]
Defendant.)	Defendant’s Reply Due: November 13, 2017
)	

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). This action proceeds on Plaintiff’s claims against Officer Preston in his individual capacity for deliberate indifference in violation of the Eighth Amendment, and retaliation in violation of the First Amendment.

On October 23, 2017, Defendant filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 based on exhaustion of administrative remedies. (ECF No. 20.) On November 3, 2017, Plaintiff filed a notice stating that he relies upon his opposition filed on September 6, 2017 (ECF No. 16) to oppose Defendant’s current motion. (ECF No. 23.)

Pursuant to Local Rule 230(l), regarding motions in prisoner actions, 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. Here, Plaintiff’s notice confirming that he will rely upon a previously-submitted

1 opposition was filed in CM/ECF on November 3, 2017. Therefore, the Court and Defendant had notice
2 of an opposition on that date, and the reply will be due within seven (7) days of that filing being made
3 in CM/ECF.

4 Accordingly, it is HEREBY ORDERED that Defendant's reply in support of the pending
5 motion for summary judgment on exhaustion of administrative remedies, if any, shall be due on or
6 before **November 13, 2017**. See Fed. R. Civ. P. 6(a)(1)(C) (discussing that if the last day of a period
7 specified in any rule, local rule, or order ends on a legal holiday, the period continues to run until the
8 end of the next day that is not a Saturday, Sunday, or legal holiday).

9
10 IT IS SO ORDERED.

11 Dated: **November 6, 2017**



UNITED STATES MAGISTRATE JUDGE

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