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

SCOTT BARBOUR,  
Plaintiff,  
v.  
UNITED STATES OF AMERICA,  
Defendant.

Case No. 1:18-cv-00246-NONE-BAM (PC)  
ORDER GRANTING PLAINTIFF’S MOTION  
FOR LEAVE TO FILE RESPONSE TO  
DEFENDANT’S OBJECTIONS TO  
FINDINGS AND RECOMMENDATIONS  
(ECF No. 29)

Plaintiff Scott Barbour (“Plaintiff”) is a federal prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to the Federal Tort Claims Act, 28 U.S.C. § 1346(b).

On August 21, 2019, Defendant filed a motion to dismiss the first amended complaint for lack of subject matter jurisdiction. (ECF No. 18.) Plaintiff filed his opposition on September 18, 2019, (ECF No. 20), Defendant filed a reply on September 25, 2019, (ECF No. 21), and Plaintiff filed a sur-reply on October 7, 2019, (ECF No. 24). Plaintiff also filed a motion for an order opening discovery on September 18, 2019, (ECF No. 19), which Defendant opposed on September 25, 2019, (ECF No. 22).

On July 1, 2020, the undersigned denied Plaintiff’s motion to open discovery and issued findings and recommendations that Defendant’s motion to dismiss be granted in part and denied in part. (ECF No. 26.) Defendant filed objections on July 15, 2020, (ECF No. 27), and Plaintiff filed objections on July 21, 2020, (ECF No. 28).

1 On July 27, 2020, Plaintiff filed a motion for leave to file a response to Defendant's  
2 objections to the findings and recommendations, together with a proposed response. (ECF Nos.  
3 29, 30.) In his motion, Plaintiff argues that he should be permitted to file a response to  
4 Defendant's objections because the objections contained factual and legal errors and because  
5 Defendant presented a declaration from Ray Garcia that Plaintiff had no prior opportunity to  
6 respond to. (ECF No. 29.) Though Defendant has not had an opportunity to file a response, the  
7 Court finds a response unnecessary. The motion is deemed submitted. Local Rule 230(l).

8 Plaintiff's motion is granted. A party may respond to another party's objections to a  
9 magistrate judge's findings and recommendations within 14 days after being served with a copy.  
10 Fed. R. Civ. P. 72(b)(2). As such, Plaintiff's response to Defendant's objections is both  
11 appropriate and timely filed. The Court notes that Defendant's response to Plaintiff's objections,  
12 if any, is similarly due within 14 days after they were filed.

13 Accordingly, Plaintiff's motion for leave to file a response to Defendant's objections to  
14 the July 1, 2020 findings and recommendations, (ECF No. 29), is HEREBY GRANTED.

15  
16 IT IS SO ORDERED.

17 Dated: July 28, 2020

17 /s/ Barbara A. McAuliffe  
18 UNITED STATES MAGISTRATE JUDGE