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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EARNEST CASSELL WOODS, II,  
Plaintiff,  
v.  
TOM L. CAREY, et al.,  
Defendants.

No. 2:04-cv-01225 LKK AC P

ORDER

Plaintiff, who is proceeding pro se and in forma pauperis, seeks relief pursuant to 42 U.S.C. § 1983. Currently pending before the court is defendants’ motion for summary judgment filed on November 8, 2013. ECF No. 293. Although the motion has been fully briefed, defendants filed a motion for leave to file a supplemental brief in light of the Ninth Circuit’s decision in Peralta v. Dillard, 744 F.3d 1076 (9th Cir. 2014), which was issued after the defendants filed their reply to plaintiff’s opposition to the motion for summary judgment. See ECF Nos. 299 (reply); 310 (motion for leave to file a supplemental brief). The court will grant defendants’ motion and allow all parties the opportunity to file a supplemental brief addressing the impact of the Peralta case on the pending summary judgment motion.

Accordingly, IT IS HEREBY ORDERED that:

1. Defendants may file a supplemental brief addressing the Peralta decision no later than 14 days from the date of this order;


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2. Defendants shall provide plaintiff a copy of the Peralta decision along with the supplemental brief;

3. Plaintiff shall be given 14 days after service of defendant's brief to file a supplemental opposition limited to a discussion of the Ninth Circuit's decision in Peralta.

4. Due to the exigencies of the court's calendar, any request for an extension of time of this briefing schedule is strongly disfavored.

DATED: June 27, 2014

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE