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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DEON SHIRLEY,

No. CIV S-05-2468-FCD-CMK-P

Plaintiff,

vs.

ORDER

J. TUGGLE, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is Defendants’ motion for leave to file a supplemental motion to dismiss (Doc. 49).

Good cause appearing therefor, Defendants’ request is granted. Defendants may file a supplemental motion to dismiss, challenging whether Plaintiff has exhausted his administrative remedies, within 30 days of the date of this order.

IT IS SO ORDERED.

DATED: August 29, 2009



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE