(PC) Cotton v. Runnels et al		
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8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10	TREANDOUS A. COTTON,	
11	Plaintiff,	No. CIV S-06-1107 GEB DAD P
12	VS.	
13	D.L. RUNNELS, et al.,	
14	Defendants.	<u>ORDER</u>
15		
16	Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to	
17	42 U.S.C. § 1983. By order filed on March 4, 2010, plaintiff's request for a continuance to	
18	oppose defendants' motion for summary judgment pursuant to Fed. R. Civ. P. 56(f) was granted	
19	for the limited purpose of allowing plaintiff to obtain an affidavit from his former cellmate.	
20	(Doc. No. 120). At that time, the court denied defendants' motion for summary judgment	
21	without prejudice, permitting defendants to either file an amended motion or to renew their	
22	previously filed motion for summary judgment following plaintiff's submission of the affidavit	
23	in question. On June 7, 2010, plaintiff filed the declaration of his former cellmate with the court.	
24	However, defendants have neither renewed their previously filed motion nor have they file an	
25	amended motion for summary judgment with the court.	
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Doc. 122

Accordingly, IT IS HEREBY ORDERED that within thirty days from the service of this order, defendants shall file any amended motion for summary judgment or renewed motion they wish to pursue as contemplated in the court's March 4, 2010 order. Plaintiff's opposition to defendants' motion shall be filed within thirty days after service of the motion, and defendants' reply, if any, shall be filed within seven days thereafter. If defendants elect not to file an amended or renewed motion for summary judgment within the time provided, the court will issue a further order setting dates for the filing of pretrial statements, pretrial conference and trial before the Honorable Garland E. Burrell, Jr.

DATED: September 22, 2010.

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UNITED STATES MAGISTRATE JUDGE