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

MICHAEL CHESS,

Plaintiff,

No. 2:06-cv-1639 LKK KJN (PC)

vs.

D.K. SISTO, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On January 29, 2010, defendant Munson filed a motion for leave to file a motion for summary judgment beyond the dispositive motion deadline that expired October 9, 2009. Defendant Munson’s prior motion for summary judgment was denied as it was filed after the October 9 deadline had run. (January 22, 2010 Order.)

The court previously vacated further scheduling dates based on the pending motion for summary judgment filed by defendant Munson’s co-defendants. (January 22, 2010 Order.) The record reflects plaintiff has prepared an opposition to the motion, but seeks an extension of time to allow him to photocopy it. (January 27, 2010 Motion.)

Good cause appearing, defendant Munson’s January 29, 2010 motion will be granted. Defendant Munson will be ordered to file a motion for summary judgment within

1 fourteen days. Plaintiff's January 27, 2010 motion for extension of time to file an opposition will  
2 also be granted.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Defendant Munson's January 29, 2010 motion for leave to file a motion for  
5 summary judgment is granted.

6 2. Defendant Munson shall file a motion for summary judgment within fourteen  
7 days from the date of this order.

8 3. Plaintiff's January 27, 2010 motion for extension of time to file an opposition  
9 is granted.

10 4. Plaintiff shall file his opposition to defendant Munson's motion for summary  
11 judgment within thirty days from the date of this order.

12 DATED: February 10, 2010

13  
14 /s/ Kendall J. Newman  
KENDALL J. NEWMAN  
15 UNITED STATES MAGISTRATE JUDGE

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