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

JORGE HERNANDEZ,

Plaintiff,

No. CIV S-07-1986 GEB DAD P

vs.

KAREN KELLY, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On June 8, 2010, the court granted plaintiff a thirty-day extension of time to file an opposition to defendants’ motion for summary judgment. On November 15, 2010, more than four months after plaintiff’s opposition was due, plaintiff filed a request for status of the case together with a copy of his opposition to defendants’ motion for summary judgment. Plaintiff claims that he timely filed his opposition to the motion back in July.

Plaintiff is advised that the court has no record of any July filing from him. Nevertheless, in the interest of justice, the court will consider plaintiff’s opposition before issuing findings and recommendations on defendants’ motion for summary judgment. The court will also grant defendants an additional fourteen days to file a reply, if any, in support of their motion for summary judgment.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's November 15, 2010 request for status (Doc. No. 52) is granted; and
2. Within fourteen days defendants shall file a reply, if any, in support of their motion for summary judgment.

DATED: November 22, 2010.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:9
hern1986.reply