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

ROBERT MITCHELL, et al.,

Plaintiffs,

No. 2:08-cv-1196 TLN EFB P

vs.

T. FELKER, et al.,

Defendants.

ORDER

_____ /

Plaintiffs are state prisoners proceeding with counsel in an action brought under 42 U.S.C. § 1983. Currently pending before the court are plaintiffs’ motions for preliminary injunction and class certification, both filed on March 5, 2013. Dckt. Nos. 155, 156. On March 20, 2013, the court granted defendants an extension of time until May 31, 2013 to oppose the motions. Dckt. No. 176. The court rescheduled the hearing date for the motions to June 12, 2013. *Id.*

Without explanation, plaintiffs filed additional declarations in support of their motions for preliminary injunction and class certification on May 15, 2013, over two months after the motions were filed. Dckt. Nos. 187-191. These five declarations, with exhibits, total over 400 pages and include expert reports. *Id.* Defendants move to strike the declarations and to shorten time to hear the motion to strike. Dckt. Nos. 92, 95.

1 Both the motion to strike and the motion to shorten time are denied. However, the court
2 is mindful of the difficulty defendants face in responding to the voluminous new material within
3 sixteen days (the time between the filing of the new declarations and the current date defendants'
4 opposition briefs are due). Accordingly, the court will extend the time for defendants to file
5 their oppositions to plaintiffs' motions for preliminary injunction and class certification until
6 July 1, 2013. Plaintiffs shall file their reply briefs on or before July 22, 2013. The hearing on
7 the motions, currently set for June 12, 2013, will be continued to August 14, 2013. The court
8 will look with disfavor on further late filings or requests to modify this schedule.

9 Accordingly, it is hereby ORDERED that:

10 1. Defendants' motions to strike and shorten time (Dckt. Nos. 92 and 95) are denied.

11 2. Defendants shall file oppositions to plaintiffs' motions for preliminary injunction and
12 class certification on or before July 1, 2013.

13 3. Plaintiffs shall file their replies to defendants' opposition briefs on or before July 22,
14 2013.

15 4. The June 12, 2013 hearing on plaintiffs' motions for preliminary injunction and class
16 certification (Dckt. Nos. 155 and 156) on June 12, 2013 is continued to August 14, 2013 at 10:00
17 a.m. in Courtroom No. 8.

18 DATED: May 21, 2013.

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20 EDMUND F. BRENNAN
21 UNITED STATES MAGISTRATE JUDGE
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