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14 IN THE UNITED STATES DISTRICT COURT
 15 FOR THE EASTERN DISTRICT OF CALIFORNIA
 16 SACRAMENTO DIVISION
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18	ROBERT MITCHELL,	
19		Plaintiff,
20		
21	v.	
22	T. FELKER, et al.,	
23		Defendants.
24		

2:08-CV-01196 JAM EFB
**STIPULATION AND [PROPOSED]
 ORDER TO MODIFY DEFENDANTS'
 DEADLINE TO RESPOND TO SECOND-
 AMENDED COMPLAINT**
 Magistrate Judge: Hon. Edmund F. Brennan
 Action Filed: May 30, 2008

1 Plaintiff and Defendants submit this stipulation under Local Rule 144.

2 On April 27, 2011, Plaintiff Robert Mitchell filed a motion seeking leave to file a second-
3 amended complaint. The proposed second-amended complaint would add new defendants and
4 dismiss other defendants. On September 22, 2011, the Magistrate Judge granted Mitchell's
5 motion and ordered Defendants to respond to the second-amended complaint within 30 days.
6 Accordingly, Defendants' deadline to respond to the second-amended complaint is October 24,
7 2011. On October 7, 2011, Defendants requested reconsideration of the Magistrate Judge's ruling
8 under Federal Rule of Civil Procedure 72(a) and Local Rule 303. Since the Magistrate Judge
9 issued his ruling, the new Defendants named in the second-amended complaint have been served.

10 Under Local Rule 303, a Magistrate Judge's ruling becomes final after fourteen days if no
11 reconsideration of the ruling is requested. Here, the Magistrate Judge's ruling did not become
12 final because Defendants made a timely request for reconsideration. And if the Court has not
13 ruled on Defendants' request for reconsideration by October 24, 2011, it will be unclear which
14 Defendants, if any, are obligated to respond to the second-amended complaint on that date.
15 Accordingly, the parties agree that the deadline for Defendants to respond to the second-amended
16 complaint should be modified.

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1 Plaintiff and Defendants have not previously requested any extensions of time for
2 Defendants to respond to the second-amended complaint. The parties respectfully request that the
3 Court modify Defendants' deadline to respond to the second-amended complaint as follows: If
4 the Court denies Defendants' request for reconsideration, Defendants' response to Plaintiff's
5 second-amended complaint must be filed by October 24, 2011, or within five days after the Court
6 rules on Defendants' request for reconsideration, whichever date is later. And the parties further
7 agree that this proposed deadline, if ordered by the Court, will apply to all Defendants named in
8 the second-amended complaint.

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10 **IT IS SO STIPULATED.**

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12 Dated: October 12, 2011

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California

13
14 /s/ Damon McClain
DAMON G. MCCLAIN
Deputy Attorney General
Attorneys for Defendants

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17 Dated: October 12, 2011

Respectfully submitted,
PRISON LAW OFFICE

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19 /s/ Rebekah Evenson (as authorized on 10/12/11)
Rebekah Evenson
Attorney for Plaintiff

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21 **IT IS SO ORDERED.**

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23 Dated: October 19, 2011



Edmund F. Brennan
United States Magistrate Judge

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