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

**ROBERT MITCHELL,**  
  
Plaintiff,  
  
v.  
  
**MATTHEW CATE, et al.,**  
  
Defendants.

2:08-CV-01196 JAM EFB  
**STIPULATION AND ORDER TO  
MODIFY THE BRIEFING SCHEDULE  
FOR DEFENDANTS' MOTION TO  
DISMISS**  
  
Magistrate Judge: Hon. Edmund F. Brennan  
Action Filed: May 30, 2008

Plaintiff and Defendants submit this stipulation under Local Rule 144.

On November 2, 2011, Defendants filed a motion to dismiss and noticed a hearing for that motion on December 14, 2011. Under Local Rule 230, Plaintiffs' opposition to that motion is due on November 30, 2011, and Defendants' reply is due on December 7, 2011.

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2 Plaintiffs and Defendants have agreed to modify the briefing schedule for Defendants  
3 motion. Accordingly, the parties respectfully request that the Court order the briefing schedule  
4 for Defendants' motion to be modified as follows:

- 5 1. Plaintiffs' opposition to the motion to dismiss is due on or before November 28,  
6 2011;  
7 2. Defendants' reply is due on or before December 7, 2011; and  
8 3. The hearing for the motion will be on December 14, 2011.

9 **IT IS SO STIPULATED.**

10 Dated: November 17, 2011

11 Respectfully submitted,  
12 KAMALA D. HARRIS  
13 Attorney General of California

14 /s/ Damon McClain  
15 DAMON G. MCCLAIN  
16 Deputy Attorney General  
17 Attorneys for Defendants

18 Dated: November 17, 2011

19 Respectfully submitted,  
20 PRISON LAW OFFICE

21 /s/ Rebekah Evenson (as authorized on 11/17/11)  
22 Rebekah Evenson  
23 Attorney for Plaintiffs

24 **IT IS SO ORDERED.**

25 Dated: November 22, 2011.

26   
27 EDMUND F. BRENNAN  
28 UNITED STATES MAGISTRATE JUDGE