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

KENNETH E. BAPTISTE

Plaintiff,

No. 2:08-cv-1420 KJM CKD P

vs.

G. DUNN

Defendant.

ORDER

_____ /

Plaintiff, a state prisoner, proceeds pro se with a first amended civil rights complaint filed pursuant to 42 U.S.C. § 1983. Plaintiff’s first amended complaint states claims against eight defendants for deliberate indifference to serious dental needs in the treatment of plaintiff’s dental condition and in the alleged delay of providing him with dentures. Defendants Christie and Hopson moved to dismiss the first amended complaint on June 29, 2012 (Dkt. No. 59) and defendants Acquaviva, Callegari, Dunn, Felker, Leo, and Simpson moved to dismiss the first amended complaint on July 27, 2012 (Dkt. No. 69).

Plaintiff filed an opposition to the pending motions to dismiss on September 10, 2012. On November 21, 2012, plaintiff moved for leave to file a supplemental opposition to the motion to dismiss at docket 69. Defendants oppose the request, stating that it is both untimely and without merit. Good cause appearing, the court will grant petitioner’s request and consider

1 his supplemental opposition filed on November 21, 2012 when ruling on the motion to dismiss at
2 docket 69. Defendants Acquaviva, Callegari, Dunn, Felker, Leo, and Simpson will be allowed
3 an opportunity to file a supplemental reply, if they wish.

4 In accordance with the above, IT IS HEREBY ORDERED THAT:

5 1. Plaintiff's motion for leave to file a supplemental opposition (Dkt. No. 75) is
6 GRANTED;

7 2. Plaintiff's supplemental opposition (Dkt. No. 76) is deemed properly filed and
8 will be considered in ruling on the motion to dismiss of defendants Acquaviva, Callegari, Dunn,
9 Felker, Leo, and Simpson; and

10 3. Defendants Acquaviva, Callegari, Dunn, Felker, Leo, and Simpson may file a
11 reply to plaintiff's supplemental opposition within 7 days of the date of this order if they wish to
12 do so.

13 Dated: December 10, 2012

14 
15 CAROLYN K. DELANEY
16 UNITED STATES MAGISTRATE JUDGE

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