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

NORVEL R. WRIGHT,

Plaintiff,

No. 2:08-cv-01765 GEB KJN PS

v.

SECRETARY OF DEFENSE ROBERT
GATES, DEPARTMENT OF DEFENSE
AGENCY,

Defendant.

ORDER

_____ /

Defendant’s “Motion to Dismiss and/or For Summary Judgment” (Dkt. No. 44) came before the court for hearing on the undersigned’s law and motion calendar on July 8, 2010. Assistant United States Attorney Bobbie J. Montoya appeared on behalf of defendant. Plaintiff, who is proceeding without counsel, appeared on his own behalf.

Plaintiff’s written opposition to defendant’s motion suffers from fatal deficiencies, both procedural and substantive, despite the fact that defendant previously provided notice to plaintiff regarding the implications of a motion for summary judgment and what is required to adequately oppose such a motion. Nothing stated by plaintiff at the hearing altered the undersigned’s conclusion in this regard. However, for the reasons stated during the hearing, the undersigned will provide plaintiff with an additional opportunity to obtain legal

1 representation and file a supplemental or revised opposition to defendant's motion,
2 notwithstanding the fact that the court is not obligated to do so. As stated during the hearing,
3 plaintiff is warned that this is his *final* opportunity to oppose defendant's motion. Accordingly,
4 IT IS HEREBY ORDERED that:

5 1. Plaintiff shall have until August 16, 2010 to obtain legal representation
6 *and* file a supplemental or revised opposition to defendant's motion, if any. Regardless of
7 plaintiff's ability to obtain legal representation, plaintiff shall have until August 16, 2010 to file a
8 supplemental or revised opposition to defendant's motion, if any. Plaintiff is cautioned that any
9 such opposition must comply with the court's Local Rules and the Federal Rules of Civil
10 Procedure, and the undersigned will only consider evidence that is properly before the court.

11 2. Defendant's response to plaintiff's opposition, if any, shall be filed on or
12 before August 30, 2010.

13 3. Upon the receipt of additional briefing, this matter will be submitted
14 without a hearing.

15 IT IS SO ORDERED.

16 DATED: July 8, 2010

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20 KENDALL J. NEWMAN
21 UNITED STATES MAGISTRATE JUDGE
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