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

MICHAEL BAKER,

Plaintiff,

No. 2: 09-cv-2757 MCE KJN P

vs.

PEREZ, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On March 28, 2012, the undersigned recommended that defendants’ summary judgment motion be granted in part and denied in part. On April 18, 2012, defendants filed a motion for leave to file a supplemental summary judgment motion. On May 29, 2012, the undersigned denied that request.

On July 20, 2012, the undersigned vacated the March 28, 2012 findings and recommendations and gave plaintiff notice of the requirements for opposing summary judgment motions pursuant to Woods v. Carey, 684 F.3d 934 (9th Cir. 2012). This order granted plaintiff twenty-one days to file either a new opposition, a supplemental opposition, or a statement that he relied on his previously filed opposition.


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1 On August 13, 2012, plaintiff filed a supplemental opposition addressing the
2 claims as to which the undersigned previously recommended that summary judgment for
3 defendants be granted. After carefully reviewing plaintiff's supplemental opposition, the
4 undersigned finds that plaintiff's exhibits and briefing have muddied the waters as to some
5 claims.¹ For this reason, the undersigned has determined that it is in the court's best interest for
6 defendants to file a renewed summary judgment motion addressing all claims.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Defendants' summary judgment motion (Dkt. No. 71) is vacated;
9 2. Within thirty days of the date of this order, defendants shall file a
10 comprehensive renewed summary judgment motion; plaintiff's opposition is due twenty-one
11 days thereafter; defendants' reply is due seven days thereafter.

12 DATED: October 19, 2012

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15 KENDALL J. NEWMAN
16 UNITED STATES MAGISTRATE JUDGE

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24 ¹ For example, it appears from plaintiff's new exhibits that defendant Medina may have
25 ordered the discontinuation of plaintiff's Tramadol on November 10, 2008, rather than on
26 November 3, 2008, as previously found. Plaintiff has also submitted exhibits indicating that he
was prescribed Tramadol when he arrived at High Desert State Prison on November 3, 2008.
Plaintiff has also attached medical records from California State Prison-Corcoran demonstrating
that he was prescribed Tramadol 50mg. four times per day at Corcoran prior to his transfer to
High Desert State Prison.