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

GREGORY NORWOOD,

Plaintiff,

No. CIV S-09-2929 LKK GGH P

vs.

NAGANAMA, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.


On April 19, 2012, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations.

As part of his Objections, defendant has submitted a “Request for FRCP 60(b)(1) Relief,” seeking permission to file a late Reply in his underlying motion for summary judgment. Defendant asserts “excusable neglect” in failing to file the Reply before the Magistrate in the first place. Plaintiff opposes defendant’s request for relief.

1 This matter is therefore **REMANDED** to the Magistrate Judge to determine
2 whether defendant's proposed Reply should be late-filed and considered as part of the summary
3 judgment motion.

4 IT IS SO ORDERED.

5 DATED: July 11, 2012.

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9 LAWRENCE K. KARLTON
10 SENIOR JUDGE
11 UNITED STATES DISTRICT COURT