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

BERNARD L. SMITH,

Plaintiff,

No. CIV S-10-0766 DAD P

vs.

CALIFORNIA STATE PRISON –  
SACRAMENTO, et al.,

Defendants.

ORDER

On June 21, 2011, defendants filed a motion to dismiss this action pursuant to Federal Rule of Civil Procedure 12(b)(6) and unenumerated Rule 12(b). Plaintiff had not opposed the motion, so on August 3, 2011, the court issued an order to show cause requiring plaintiff to file an opposition, if any, to defendants’ motion to dismiss within twenty-one days. Plaintiff has since filed an opposition to the motion. Accordingly, the court will discharge the order to show cause.

Defendants have also filed a motion for an extension of time to file a reply in support of their motion to dismiss. Good cause appearing, the court will grant defendants’ motion.

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In accordance with the above, IT IS HEREBY ORDERED that:

1. The court's August 3, 2011 order to show cause is discharged;
2. Defendants' motion for an extension of time (Doc. No. 48) is granted; and
3. Defendants shall file a reply in support of their motion to dismiss on or before September 8, 2011.

DATED: September 1, 2011.

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

DAD:9  
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