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

RONALD FOSTER,

Plaintiff,

No. 2:10-cv-0929 JAM AC P

vs.

P. STATTI, et. al.,

Defendants.

ORDER

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Plaintiff, a state prisoner proceeding pro se and inform a pauperis, seeks relief pursuant to 42 U.S.C. § 1983. By order dated January 11, 2012, the date for filing pretrial motions was set for July 27, 2012. Following two requests for an extension of time, defendants filed their timely motion for summary judgment on September 26, 2012. Plaintiff has now filed an opposition to defendants’ motion as well as a cross-motion for summary judgment.

On December 12, 2012, defendants filed a request for clarification and/or extension of time related to plaintiff’s cross-motion for summary judgment. Defendants argue that, because plaintiff filed his cross-motion beyond the July 27, 2012 deadline for filing dispositive motions and further because he did not seek leave of court to file a tardy cross-motion for summary judgment, the cross-motion should be stricken as untimely. This request

1 will be denied. Local Rule 230(e) permits “[a]ny counter-motion or other motion . . . that is  
2 related to the general subject matter of the original motion . . .” to be served and filed on the date  
3 for opposition to the original motion. The court deems a cross motion for summary judgment to  
4 be a proper counter-motion under this court’s local rules, and accordingly plaintiff’s cross-  
5 motion for summary judgment is deemed timely.

6 Accordingly, IT IS HEREBY ORDERED that defendants’s request for  
7 clarification and/or extension of time is granted. Defendants shall file an opposition to plaintiff’s  
8 cross-motion for summary judgment within fourteen days from the date of this order.

9 DATED: January 9, 2013.

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13 ALLISON CLAIRE  
14 UNITED STATES MAGISTRATE JUDGE

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