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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

REX CHAPPELL,

Plaintiff,

v.

DUC, et al.,

Defendants.

No. 2:10-cv-2676 KJM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. This case proceeds on plaintiff’s second amended complaint filed August 19, 2012. On March 30, 2013, defendant’s motion for summary judgment was granted in part and denied in part, and the case remanded to the undersigned for further proceedings. The district judge assigned to this case declined to adopt the portion of the findings and recommendations recommending that defendant be granted summary judgment on the issue of delayed medical care. The district judge found that summary judgment was not appropriate on the issue of delayed medical care because plaintiff had not been afforded sufficient notice that defendants’ motion addressed the issue of delayed medical care. Defendant filed a motion for reconsideration which was denied on August 9, 2013.

Good cause appearing, defendant will be granted thirty days in which to file a dispositive motion addressing the sole remaining portion of plaintiff’s Eighth Amendment claim.

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In accordance with the above, IT IS HEREBY ORDERED as follows:

1. Defendant is granted thirty days from the date of this order in which to file a dispositive motion addressing the portion of plaintiff's Eighth Amendment claim alleging that defendant caused a delay in medical treatment;
2. Plaintiff's opposition to the motion shall be filed thirty days thereafter;
3. Defendant's reply, if any, shall be filed fourteen days thereafter.

DATED: August 19, 2013


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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