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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WESLEY MITCHELL,
Plaintiff,
v.
MATTHEW L. CATE, et al.,
Defendants.

No. 2: 11-cv-1240 JAM AC P

ORDER

Plaintiff, a state prisoner, is proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. By order filed on July 23, 2014, defendants’ motion for summary judgment was vacated due to a failure to comply with a court order regarding the filing of documents under seal. ECF No. 91. Defendants were granted seven (7) days to submit the documents for electronic sealing in accordance with Local Rule 141(e)(2)(i) as previously identified in the order of April 28, 2014. See ECF No. 81. Defendants were also directed to submit a third amended separate statement of undisputed facts that are complete and with citation to supporting evidence. Finally, defendants were ordered to show cause why further sanctions should not be imposed for the failure to comply with a court order.

The court’s review of the case docket demonstrates that defendants have timely complied with the July 23, 2014 order. Accordingly, the motion for summary judgment is deemed re-noticed (and not untimely) as of July 29, 2014. In addition, the undersigned finds that

1 defendants' counsel's response is sufficient to discharge the show cause order without the
2 imposition of further sanctions.

3 Accordingly, IT IS ORDERED that:

- 4 1. Defendants' motion for summary judgment, ECF No. 65, vacated by Order filed on
5 July 23, 2014, is hereby re-noticed upon the court's calendar, nunc pro tunc, as of July 29, 2014;
- 6 2. The parties need not brief defendants' motion further with the exception that plaintiff
7 has until August 28, 2014 to file any response to defendants' third amended separate statement of
8 undisputed facts; and
- 9 3. Defendants have discharged the show cause order at ECF No. 91; no further sanctions
10 will be imposed.

11 DATED: August 12, 2014

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13 ALLISON CLAIRE
14 UNITED STATES MAGISTRATE JUDGE
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