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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES G. REECE,
Plaintiff,
v.
AMRICK BASI, et al.,
Defendants.

No. 2:11-cv-2712 TLN AC P

ORDER

Due to a docketing error and confusion over which of plaintiff’s claims had survived screening, the court vacated the parties’ original cross-motions for summary judgment with leave to re-file within sixty days. ECF No. 91. The court received plaintiff’s renewed motion for summary judgment against defendant Basi (ECF No. 95), but did not receive a renewed motion for summary judgment against defendants Lahey and Villote. Plaintiff was ordered to advise the court whether he had filed a renewed motion against Lahey and Villote, and if he had to resubmit the motion. ECF No. 101. The court has not yet received plaintiff’s response. However, counsel for defendants Lahey and Villote has filed a statement offering clarification regarding the status of plaintiff’s renewed motion for summary judgment against them. ECF No. 103.

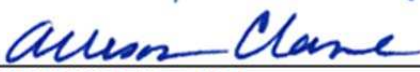
Counsel advises that he was notified by a Deputy Attorney General in the San Francisco office that a motion for summary judgment was filed in Reece v. Traquina (hereinafter Traquina), 2:10-cv-2949 JAM CKD, but was captioned “Charles G. Reece v. Amrick Basi, et al.” ECF No.

1 103 at 2, ¶¶ 3. The court has reviewed the motion for summary judgment filed in Traquina, and
2 notes that captions on the statement of facts and declaration, which are attached at the end of the
3 motion, have the case number in this proceeding on them. Traquina ECF No. 57 at 12, 16. It
4 appears that plaintiff accidentally placed the wrong case number on the first page of his motion
5 and that the motion was intended to be filed in this case. The court will direct the Clerk of the
6 Court to file the motion in this case and defendants Lahey and Villote will be required to respond.
7 Plaintiff is no longer required to mail another copy of his motion,¹ but should ensure future filings
8 are labeled with the proper case number and served on appropriate counsel.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The Clerk of the Court is directed to file the motion for summary judgment at ECF No.
11 57 in Reece v. Traquina, USDC E.D. Cal. Case No. 2:10-cv-2949 JAM CKD, in this case.
- 12 2. Defendants Lahey and Villote shall have thirty days from the date the Clerk files the
13 motion for summary judgment in this case in which to file a response.
- 14 3. Plaintiff is not required to mail another copy of the motion.

15 DATED: December 15, 2015

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17 ALLISON CLAIRE
18 UNITED STATES MAGISTRATE JUDGE
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27 _____
28 ¹ If plaintiff has already mailed another copy of the motion and it is filed in this case, it will be
disregarded and defendants Lahey and Villote will not be required to file another response.