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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLEY McMURTRY,
Plaintiff,
v.
HU, et al.,
Defendants.

No. 2:12-cv-00103 DAD P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. The court entered judgment in this action on July 29, 2014. However, on October 2, 2014, the court reopened this case at plaintiff's request to accord him additional time to oppose the motion for summary judgment filed by defendants on May 29, 2014. Although untimely, plaintiff filed his opposition on December 8, 2014. The court will construe plaintiff's opposition as timely filed. Defendants will be permitted to file a reply if they wish within fourteen days after the filing date of this order.

Due to the many delays in this action and specifically the delay in addressing the now pending motion for summary judgment brought about by plaintiff's belated opposition thereto, the Clerk of Court will be directed to designate the pending motion for summary judgment administratively re-filed effective December 8, 2014.

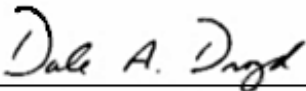
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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's opposition (ECF No. 46) is deemed timely filed.
2. Defendants may file and serve a reply within fourteen (14) days after the filing date of this order.
3. The Clerk of Court is directed to designate the pending motion for summary judgment (ECF No. 39) re-filed effective December 8, 2014.

Dated: December 9, 2014



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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