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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN PHILIP MONCRIEF,
Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,
Defendants.

No. 2:12-cv-0414 MCE AC P

ORDER

Plaintiff’s response to defendants’ motion for summary judgment was due by July 31, 2017. ECF No. 138. By order filed August 2, 2017, the undersigned denied plaintiff’s request for another extension of time to file his opposition and deemed the motion for summary judgment submitted. ECF No. 140. Plaintiff has now filed an opposition to the motion for summary judgment which was received by the Clerk of the Court on August 18, 2017. ECF No. 143. The motion is dated July 26, 2017, but does not include a certificate of service identifying the date it was delivered to prison officials for mailing. Id. Plaintiff’s additional motions for extension, dated July 31, 2017, and August 1, 2017, indicate that the opposition was not submitted for mailing until after the deadline for filing had passed. ECF Nos. 141, 142. However, despite its apparent untimeliness, because the opposition is not excessively late, the court will consider it.

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Accordingly, IT IS HEREBY ORDERED that defendants' may file a reply in support of their motion for summary judgment within fourteen days of service of this order.

DATE: August 22, 2017



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE