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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE GONZALEZ, JR.,  
Plaintiff,  
v.  
R. GAMBERG, et al.,  
Defendants.

No. 2:14-cv-0737 KJM CKD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 18, 2015, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations. In his objections, plaintiff argues for the first time that his state law battery claims against defendants Gamberg, Wheeler and Lively are saved from dismissal as time-barred by equitable tolling principles arising under California law. Good cause appearing, defendants will be directed to file a response to plaintiff’s equitable tolling argument.

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In accordance with the above, IT IS HEREBY ORDERED that within fourteen days from the date of this order defendants shall file and serve a response to the equitable tolling argument raised in plaintiff's objections. Plaintiff may file and serve a reply within fourteen days thereafter.

DATED: September 28, 2015.



UNITED STATES DISTRICT JUDGE