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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BERNARD L. SMITH,
Plaintiff,
v.
HAWKINS, et al.,
Defendants.

No. 2:14-cv-2222-KJM-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On November 4, 2015, the court recommended that this action be dismissed after plaintiff failed to respond to defendant’s motion to dismiss. ECF No. 35. On December 3, 2015, plaintiff requested additional time to respond to defendant’s motion to dismiss, and on December 7, 2015, plaintiff filed an opposition to the motion. ECF Nos. 37, 38. Defendant now moves to strike plaintiff’s opposition.

Good cause appearing, plaintiff’s request (ECF No. 37) is granted and his response to the motion to dismiss (ECF No. 38) is deemed timely filed. Accordingly, the November 4, 2015 findings and recommendations (ECF No. 35) are vacated. It is further ordered that defendant’s motion to strike (ECF No. 40) is denied.

So ordered.

Dated: December 23, 2015.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE