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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY RAY BAKER,
Plaintiff,
v.
J. MACOMBER, et al.,
Defendants.

No. 2:15-cv-0248 GEB AC P

ORDER

On June 14, 2017, this court directed the Deputy Attorney General representing defendant to contact the Litigation Coordinator at plaintiff’s place of incarceration for the purpose of ensuring that plaintiff is in possession of all his legal materials relevant to this case. See ECF No. 64. On June 29, 2017, the Deputy Attorney General, Mr. Derrek Lee, filed a responsive declaration informing the court that plaintiff obtained all of his legal materials on June 7, 2017. See ECF No. 64. Mr. Lee also informs the court that he independently pursued this matter with the Litigation Coordinator on June 1 and June 7, 2017, in response to a telephone call from plaintiff on June 1, 2017; and again confirmed plaintiff’s possession of his legal materials after service of this court’s June 14, 2017 order. Mr. Lee further informs the court that all ten boxes of plaintiff’s legal materials were sealed during storage; that only one box was returned unsealed, which had been opened for a routine contraband search.

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1 The court acknowledges and appreciates the efforts of defense counsel in pursuing this
2 matter to resolution.

3 The court's June 14, 2017 order also scheduled the remaining briefing on defendant's
4 motion for summary judgment, as follows, ECF No. 64 at 5:

5 [P]laintiff shall file and serve his opposition to defendant's motion
6 for summary judgment within forty-five (45) days after he obtains
7 his relevant legal materials, as identified by Mr. Lee in a statement
8 so informing the court. Defendant's reply, if any, shall be filed
within seven (7) days after plaintiff's opposition is docketed. See
Local Rule 230(1).

9 In light of plaintiff's receipt of all his relevant legal materials on June 7, 2017, the following
10 deadlines shall apply: Plaintiff's opposition is due by Monday, July 24, 2017 (see Fed. R. Civ. P.
11 6(a)(1)(C)); defendant's reply, if any, remains due seven days after plaintiff's opposition is
12 docketed (see Local Rule 230(1)).


13 Accordingly, IT IS HEREBY ORDERED that:

14 1. Plaintiff's request for the court's assistance in obtaining his relevant legal materials,
15 ECF No. 62, previously granted (ECF No. 64 at 4), is no longer required; the matter is now
16 deemed moot.

17 2. Plaintiff's opposition to defendant's motion for summary judgment (ECF No. 54) is
18 due by Monday, July 24, 2017; defendant's reply, if any, is due within seven days after plaintiff's
19 opposition is docketed.

20 SO ORDERED.

21 DATED: June 30, 2017

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23 ALLISON CLAIRE
24 UNITED STATES MAGISTRATE JUDGE
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