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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAAHDI COLEMAN,
Petitioner,
v.
DAVID BAUGHMAN, Warden,
Respondent.


No. 2:16-cv-0652 MCE AC P

ORDER

Respondent is directed to file and serve a reply to petitioner’s opposition to respondent’s motion to dismiss this action, within twenty-one (21) days after the filing date of this order. The reply brief shall address two cases relied on by petitioner in support of his argument that the California courts recognize a “prison delivery rule” in determining the timeliness of inmate appeals that is comparable to the “prison mailbox rule,” specifically, In Re Andres (2016) 244 Cal. App. 4th 1383 (see also Andres v. Marshall, 867 F.3d 1076, 1078 n.2 (9th Cir. Aug. 8, 2017); and In re Lambirth (2016) 5 Cal. App. 5th 915. Respondent may also address any other pertinent matters in the reply brief.

IT IS SO ORDERED.

DATED: December 19, 2017



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE