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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IVAN HOPKINS,

No. C 08-00898 WHA

Plaintiff,

v.

**ORDER RE BRIEFING ON
MOTION FOR SUMMARY
JUDGMENT; ORDER VACATING
HEARING**

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,
JAMES TILTON, SCOTT PANG, and DOES
1-100,

Defendants.

Plaintiff Ivan Hopkins, acting *pro se*, brought this lawsuit alleging that agents Tilton and Pang falsely arrested him and used excessive force against him, causing injuries. He claims that he was accused of being a parolee at large but that in fact he had already been discharged from parole. Plaintiff also requested the appointment of counsel.

Plaintiff's request to appoint counsel was denied (Dkt. No. 25). Defendants the California Department of Corrections and Rehabilitation and James Tilton filed a motion to dismiss, and a July 2008 order dismissed the claims against those two defendants without leave to amend, leaving only the claims against agent Scott Pang (Dkt. No. 31).


On January 21, 2009, defendant Pang filed a motion for summary judgment. A hearing on the motion was scheduled for February 26, 2009. Pursuant to Civil Local Rule 7-3, plaintiff's brief in opposition to the motion, if he wished to file one, was due February 5, 2009.

1 To date, plaintiff has filed no opposition to defendant's motion and has not otherwise responded
2 to the motion. Because there is insufficient time to fully brief the motion by February 26, the
3 hearing on the motion is hereby **VACATED**. Plaintiff's brief in opposition to defendant's
4 motion, if he is to file one, must be filed no later than **FRIDAY, FEBRUARY 20, 2009**. Plaintiff
5 must either file a brief in opposition to the motion by that date, or submit a filing explaining
6 why he has not done so. If plaintiff fails to respond by February 20, defendant's motion may be
7 granted as unopposed.

8 If plaintiff timely submits a brief in opposition to defendant's motion, defendant's reply
9 brief will be due February 27, 2009. A hearing on the motion will be scheduled thereafter if
10 need be.

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12 **IT IS SO ORDERED.**

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14 Dated: February 12, 2009.

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17 WILLIAM ALSUP
18 UNITED STATES DISTRICT JUDGE
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