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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Russell Martin, NO. C 08-04067 JW

Plaintiff, **ORDER REQUIRING SUPPLEMENTAL**
v. **EVIDENCE**


M. S. Evans, et al.,

Defendants.

Presently before the Court is Plaintiff’s Motion for an Order Compelling Defendants to Reply to Plaintiff’s Complaint.¹ In their Opposition to the Motion, Defendants contend that the Motion is “premature . . . because [Plaintiff] did not exhaust administrative remedies for at least one of his two claims.”² However, Defendants offer no evidence in support of this contention.

The Court finds that it would benefit from supplemental evidence as to this issue. Accordingly, on or before **January 27, 2012**, Plaintiff shall file evidence showing that he exhausted administrative remedies for his claims.

Dated: January 25, 2012



JAMES WARE
United States District Chief Judge

¹ (Plaintiff Russell Martin’s Notice of Motion and Motion for an Order Compelling Defendants to Reply to Plaintiff’s Complaint; Memorandum of Points and Authorities in Support, hereafter, “Motion,” Docket Item No. 59.)

² (Defendants’ Response to Plaintiff’s Motion to Compel a Reply to the Complaint at 2, Docket Item No. 60.)

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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6 **Dated: January 25, 2012**

Richard W. Wieking, Clerk

7 By: /s/ JW Chambers
8 **Susan Imbriani**
9 **Courtroom Deputy**

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