

United States District Court  
For the Northern District of California

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\*E-Filed 12/13/11\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JESSE CARABAY,  
Plaintiff,

No. C 11-0289 RS (PR)

**ORDER DENYING MOTION TO  
VACATE FILING DEADLINE**

v.

MICHAEL C. SAYRE, et al.,  
Defendants.

\_\_\_\_\_ /  
This is a federal civil rights action filed pursuant to 42 U.S.C. § 1983 by a *pro se* state prisoner. The parties' stipulation and proposed order to vacate the deadline for filing a summary judgment motion (Docket No. 25), which the Court construes as a motion to vacate such deadline, is DENIED as unnecessary. As the order of service stated, defendants were to file a summary judgment motion or other dispositive motion within 90 days. As defendants have filed a motion to dismiss, they have filed a dispositive motion, and therefore there is at present no due date for a motion for summary judgment. If the motion to dismiss is denied, the Court will then direct defendants to file a summary judgment motion, and assign a filing deadline.

**IT IS SO ORDERED.**

DATED: December 13, 2011

  
RICHARD SEEBORG  
United States District Judge

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ORDER DENYING MOTION