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

9 STEPHEN B. TURNER,

No. C 11-05176 CRB

10 Plaintiff,

**ORDER VACATING HEARING AND
DIRECTING PARTIES TO SUBMIT
FURTHER BRIEFING**

11 v.

12 MELODY SMITH, ET AL.,

13 Defendants.

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15 The Court VACATES the hearing set for January 20, 2017 and ORDERS the parties
16 to submit further briefing on the following question:


17 Are Defendants Sims, Smith, and/or Bent entitled to summary judgment on the claim
18 that Turner's arrest in December 2011 violated his First Amendment rights because it
was made in retaliation for refusing to drop pending lawsuits?

19 Defendants shall have 14 days to file an opening brief that is no longer than 10 pages.

20 Plaintiff shall 7 days after the opening brief is due to file a response that is no longer than 10
21 pages. Defendants shall have 7 days after the response is due to file a reply that is no longer
22 than 5 pages. The parties are to address only the above question. If the Court finds that the
23 motions for summary judgment cannot be resolved without oral argument pursuant to Local
24 Rule 7-1(b), it will set a hearing date in a future order.

25 **IT IS SO ORDERED.**

26 Dated: January 18, 2017

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28 CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE