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

THEODORE MCELHONE,
Plaintiff,

No. C 12-06090 WHA

v.

**ORDER SETTING NEW
BRIEFING SCHEDULE**

KATHLEEN SEBELIUS,
Defendant.

Having reviewed the case file, the Court notes that the answer to the complaint was filed on June 4, 2013. Pursuant to Civil Local Rule 16-5, plaintiff should have filed a motion for summary judgment within 30 days. However, the Court notes that there might be confusion relating to deadlines because of service issues.

Thus, plaintiff's deadline to file his summary judgment motion is hereby extended to **OCTOBER 8, 2013, AT NOON**. If no motion is filed by this date, the case shall be dismissed for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

After plaintiff files his summary judgment motion, defendant will then have twenty-eight days to file an opposition. Plaintiff should be aware that he may respond with a reply brief

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within fourteen days of defendant's opposition. The matter will then be deemed submitted for consideration without oral argument. Plaintiff is advised to seek legal representation to help him during this process.

IT IS SO ORDERED.

Dated: September 3, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE