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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DEREK WHEAT, a current parolee,
ANTONIO MARTINEZ, a current
parolee, and SHANDON DAVIS, a
felon currently serving a determinate
sentence, on behalf of themselves and a
class of similarly situated,

Plaintiffs,

vs.

STATE OF CALIFORNIA, et al.,

Defendants.

Case No: C 11-2026 SBA

**ORDER DENYING PLAINTIFFS'
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE 50-PAGE
OPPOSITION**

Dkt. 38

Plaintiffs have filed Motion for Administrative Relief Allowing Plaintiffs to File a 50 Page Opposition to Defendants' Second (15 Page) Motion to Dismiss the First Amended Complaint. Dkt. 38. The Court notes that it previously limited Defendants' motion to dismiss to 15 pages. A 50-page response to a 15-page motion is therefore unnecessary and excessive. See Fleming v. County of Kane, State of Ill., 855 F.2d 496, 497 (7th Cir. 1988) (“[o]verly long briefs . . . may actually hurt a party’s case, making it ‘far more likely that meritorious arguments will be lost amid the mass of detail.’”) (quoting in part United States v. Keplinger, 776 F.2d 678, 683 (7th Cir. 1985)). Accordingly,

IT IS HEREBY ORDERED THAT Plaintiffs’ administrative motion to file an oversized opposition is DENIED. Plaintiffs are granted leave to file a revised opposition, not to exceed 15 pages, by no later than October 5, 2011. Defendants may file a revised

1 reply by October 12, 2011. The motion hearing and case management conference
2 scheduled for October 4, 2011 are CONTINUED to **November 14, 2011 at 1:00 p.m.** The
3 Court, in its discretion, may resolve the motion without oral argument. Fed. R. Civ. P.
4 78(b); Civ. L.R. 7-1(b). The parties are advised to check the Court's website to determine
5 whether a court appearance is required. Docket 36 shall be STRICKEN from the record.
6 This order terminates Docket 38.

7 IT IS SO ORDERED.

8 Dated: September 28, 2011


9 SAUNDRA BROWN ARMSTRONG
10 United States District Judge
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