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**\*E-FILED - 1/28/11\***

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

**KYLE WHELAN AVERY,**  
  
Plaintiff,  
  
v.  
  
**CORRECTIONAL OFFICER  
THOMPSON,**  
  
Defendant.

C 03-4233 RMW

**|XXXXXXXXX ORDER CHANGING TIME  
TO FILE DISPOSITIVE MOTION**

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Defendant has moved this Court for an extension of time to file a summary-judgment or other dispositive motion, up to and including February 1, 2011. After full consideration, and good cause appearing, Defendant's motion for extension of time is GRANTED.

Plaintiff shall file his opposition within thirty days of Defendant's filing of his dispositive motion. If Defendant wishes to file a reply, he shall do so within fifteen days of the filing of the opposition. Absent further order, the motion will be submitted on the date the reply is filed, without a hearing.

IT IS SO ORDERED.

Dated: 1/25/11

  
The Honorable Ronald M. Whyte  
U.S. District Court Judge

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