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E-FILED - 3/23/11

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

GENE DANIELS,)	No. C 08-3780 RMW (PR)
)	
Plaintiff,)	ORDER LIFTING STAY AND
)	RE-OPENING CASE;
v.)	GRANTING PLAINTIFF'S
)	REQUEST FOR AN
NURSE ENNIS,)	EXTENSION OF TIME
)	
Defendant.)	(Docket No. 101)
)	

Plaintiff, a state prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. On March 24, 2010, the court granted in part and denied in part defendants' motion for summary judgment. The court denied summary judgment only as to Nurse Ennis, referred the case to Magistrate Judge Vadas for settlement proceedings, and stayed further action in this case pending the outcome of the settlement proceedings. On December 10, 2010, defendant filed a motion for summary judgment. On January 7, 2011, Judge Vadas filed a minute entry stating that the parties did not come to a settlement agreement. On January 11, 2011, defendant filed a motion for summary adjudication, noting that plaintiff had failed to file his opposition to her motion for summary judgment. On January 26, 2011, plaintiff filed an opposition to the motion for summary adjudication, declaring that he never received defendant's motion for summary judgment because he was being transferred back to Corcoran. Plaintiff requests a copy of the motion, along with an extension of time in which to oppose it.

1 The court notes that defendant's motion was filed only a few days prior to the settlement
2 conference, and at a time when this action was still stayed. Further, this court was unaware of
3 the outcome of settlement proceedings until January 7, 2011, the date Judge Vadas filed his
4 report. Four days later, defendant filed her notice of non-opposition.

5 Because this case did not settle, the stay is lifted, and the Clerk shall RE-OPEN this
6 action. Because there is no indication that defendant will be prejudiced by an extension of time,
7 plaintiff's motion for an extension of time in which to file his opposition is GRANTED.
8 Plaintiff shall file an opposition to defendants' motion for summary judgment no later than
9 **thirty (30) days** from the filing date of this order. Defendants **shall** file a reply brief within **15**
10 **days** of the date any opposition is filed by plaintiff.

11 Defendant is directed to serve plaintiff a copy of her motion for summary judgment, and
12 related papers, to the address listed in plaintiff's motion. (Docket No. 101.) The Clerk of the
13 Court is directed to change the docket sheet to reflect plaintiff's address as: Gene Daniels, T-
14 45428, P.O. Box 5244, G-Gym-143, CSATF / SP, Corcoran, CA 93212.

15 This order terminates docket no. 101.

16 IT IS SO ORDERED.

17 DATED: 3/22/11


RONALD M. WHYTE
United States District Judge