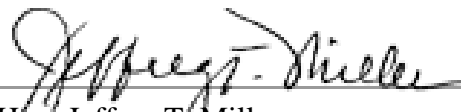


1 generally inappropriately decided on a motion for summary judgment. See Tolbert v. Page, 182 F.3d
2 677 (9th Cir. 1999). The court docket also reflects that this matter has been referred to the Prisoner
3 Settlement Program. (Ct. Dkt. 159). In light of the referral to the Prisoner Settlement Program, the
4 court denies the application without prejudice, subject to renewal within 60 days after the conclusion
5 of the settlement proceedings.

6 In sum, the court adopts the R & R in its entirety, denies the cross motions for summary
7 judgment, and denies, without prejudice, the application for enlargement of time.

8 **IT IS SO ORDERED.**

9 DATED: March 28, 2011

10 
11 Hon. Jeffrey T. Miller
United States District Judge

12 cc: All parties

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28