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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ROBERT DOUGLAS,

Plaintiff,

v.

MICHAEL SMELOSKY, WARDEN; et al.,

Defendant.

Civil 10-CV-1464-GPC (BGS)
No.

**ORDER RE: PLAINTIFF'S MOTION
FOR LEAVE TO FILE
SUPPLEMENTAL DOCUMENTS**

On June 13, 2013, Plaintiff filed a motion for leave to file supplemental documents. (Doc. No. 58.) Plaintiff request leave to file supplemental documents in opposition to Defendant's summary judgment motion regarding an alleged news report that corroborates his pending section 1983 claim. (*Id.*) Plaintiff also request that the news reporter who conducted the interview be allowed to submit a declaration to the fact that he did receive these statements on the record. (*Id.*) In Plaintiff's motion, Plaintiff submitted an interview transcript from KGTV ABC 10. (*Id.* at 4.) The transcript details an interview between a reporter and an unidentified prison guard who was working at Centinela State Prison on July 8, 2008, the date of the event in question. (*Id.*) On June 17, 2013, the Court ordered Defendant Valenzuela to respond to Plaintiff's request for leave to file supplemental documents. (Doc. No. 59.) On June 24, 2013, Defendant Valenzuela filed a response. (Doc. No. 60.) In his response, Defendant Valenzuela does not object to the request to submit the transcript provided that Defendant will be permitted

1 to file an objection to this evidence. (*Id.* at 4.) Also, Defendant does not object to the request to
2 submit a declaration provided that Defendant will be permitted reasonable time to conduct
3 discovery limited to the declarant and any evidence arising from the declaration, and then to file
4 an objection to the evidence. (*Id.*) For these reasons, and for good cause shown, the Court
5 hereby orders as follows:

- 6 1. Fact discovery is hereby reopened for the limited purposes of conducting
7 additional discovery with regard to the news transcript submitted by Plaintiff in his
8 motion for leave to file supplemental documents. The new fact discovery cutoff is
9 **December 27, 2013.**
- 10 2. The Court also request that Defendant Valenzuela withdraw his pending motion
11 for summary judgment. (Doc. No. 41.) Defendant Valenzuela may refile a motion
12 for summary judgment after additional fact discovery is conducted. The new
13 motion filing deadline is **January 31, 2014.**
- 14 3. Plaintiff's motion for leave to file supplemental documents in support of his
15 opposition to Defendant Valenzuela's motion for summary judgment is **DENIED**
16 **AS MOOT.**

17 Dated: September 30, 2013

18 
19 **BERNARD G. SKOMAL**
20 United States Magistrate Judge