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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 DANIEL C. CARTER,

7 Plaintiff,

No. C11-5626 RJB/KLS

8 v.

ORDER GRANTING LEAVE TO FILE
LATE REPLY

9 WASHINGTON DEPARTMENT OF
10 CORRECTIONS, ELDON VAIL,
11 RONALD FRAKER, BRENT
12 CARNEY, JAY A. JACKSON, and
JAMIE CALLEY,

Defendants.

13 Pending before the Court is Defendants' motion for summary judgment, which is
14 presently noted for November 16, 2012. ECF No. 38. Therefore, Plaintiff's response to the
15 motion was due on November 12, 2012. On November 16, 2012, Plaintiff filed a motion for
16 leave to file his reply brief past the deadline. ECF No. 41. He also filed a Declaration, which
17 appears to be his response in opposition to Defendants' motion for summary judgment. ECF No.
18 42. Plaintiff states that he attempted to mail his response in a timely manner, but it was returned
19 to him by prison authorities for failure to attach a "postage transfer" form. *Id.*

20 Accordingly, it is **ORDERED**:

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22 (1) Plaintiff's motion for leave to file reply (ECF No. 41) is **GRANTED**. The Court
23 will consider the Declaration (ECF No. 42) as having been timely filed.
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ORDER- 1

1 (2) Defendants may file a reply **on or before December 10, 2012.** The Clerk is
2 directed to **re-note** Defendants' motion for summary judgment (ECF No. 38) for **December 10,**
3 **2012.**

4 (3) The Clerk shall send copies of this Order to Plaintiff and to counsel for
5 Defendants.
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8 **DATED** this 30th day of November, 2012.
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11 Karen L. Strombom
12 United States Magistrate Judge
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