

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION


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<b>John Eakin,</b>		)	
		)	
	<b>Plaintiff,</b>	)	
		)	
<b>v.</b>		)	<b>Civil Case No. 5:16-cv-00972-RCL</b>
		)	
<b>United States Department of Defense,</b>		)	
		)	
	<b>Defendant.</b>	)	
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**ORDER**

Before the Court is plaintiff's motion [23] to strike defendant's joint response to plaintiff's motion for summary judgment and cross-motion for summary judgment. Plaintiff Eakin argues that the response and cross-motion was untimely filed because it was filed past the February 1, 2017 deadline imposed by the active scheduling order here. However, defendant moved for an 120-day extension of time to file its response and its own motion for summary judgment. ECF No. 17. This Court granted that extension *nunc pro tunc*.

Accordingly, plaintiff's motion to strike is hereby **DENIED as moot**.

**It is so ORDERED.**

  
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Royce C. Lamberth  
United States District Judge

DATE: 8/2/17