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

ALBERTO WINFFEL,

Plaintiff,

No. CIV S-10-1709 MCE GGH P

vs.

A. POMAZAL, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment on August 22, 2011. Plaintiff never filed an opposition or otherwise communicated with the court. Defendants also filed a motion to dismiss for lack of prosecution on September 28, 2011. Plaintiff did not communicate with the court so on October 24, 2011, findings and recommendations were issued to dismiss this case. Plaintiff has now filed a request for an extension to file an opposition to the motion for summary judgment. Plaintiff states that he has been moved often within his prison because of medical needs problems, and that access to his legal property has therefore been impeded. The undersigned views this as sufficient cause to grant plaintiff's motion.

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Accordingly, IT IS HEREBY ORDERED that:

1. The October 24, 2011, findings and recommendations (Doc. 27) are vacated;
2. Defendants' motion to dismiss for lack of prosecution (Doc. 26) is denied;
3. Plaintiff's motion for an extension (Doc. 28) is granted and plaintiff is granted

28 days from the date of service of this order to file an opposition to the motion for summary judgment. The court will not look favorably on any more requests for an extension from plaintiff.

DATED: October 26, 2011

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

GGH: AB
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