

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

PUNAOFO TSUGITO TILEI,

1:06-cv-00776-AWI-GSA-PC

Plaintiff,

ORDER GRANTING PLAINTIFF'S
REQUEST TO REOPEN CASE
(Doc. 129.)

vs.

T. WAN, et al.,

ORDER DIRECTING CLERK TO
REOPEN CASE

Defendants.

_____/

Punafo Tsugito Tilei ("Plaintiff") is a state prisoner presently incarcerated at Salinas Valley State Prison in Soledad, California. Plaintiff filed the Complaint commencing this action on June 19, 2006. (Doc. 1.) On July 27, 2011, the Court dismissed this action for failure to prosecute, based on Plaintiff's failure to respond to the Court's order to show cause why the case should not be dismissed for Plaintiff's failure to file a pretrial statement. (Doc. 122.)

On July 25, 2011, the Court received notice from a third party that Plaintiff is suffering from a medical condition, causing him to be bedridden for the past eight months. (Doc. 124.) On August 17, 2011, the Court granted Plaintiff additional time to respond to the Court's order to show cause. (Doc. 125.) On November 4, 2011, Plaintiff responded to the order to show cause and requested that the Court reopen the case and appoint him counsel. (Docs. 128, 129.) Plaintiff asserts that he is extremely ill, in severe pain, incapacitated, and bedridden, due to a

1 medical condition. (Dec. of Tilei, Doc. 129 at 5.) Plaintiff submitted declarations by two of
2 his cell mates in support of the motion for counsel, confirming that Plaintiff is incapacitated and
3 unable to adequately litigate his court action. (Dec. of Ricky Kong, Doc. 129 at 2-3; Dec. of
4 Victor Meza, Doc. 129 at 8-10.)

5 Based on Plaintiff's response to the order to show cause, Plaintiff's request to reopen
6 this case shall be granted. After the case is reopened, the Court shall resolve Plaintiff's request
7 for appointment of counsel and issue a new scheduling order.

8 Based on the foregoing, IT IS HEREBY ORDERED that:

- 9 1. Plaintiff's motion to reopen this case is GRANTED;
- 10 2. The Clerk is DIRECTED to immediately reopen this case on the Court's docket;
11 and
- 12 3. After the case is reopened, the Court shall resolve Plaintiff's request for
13 appointment of counsel and issue a new scheduling order.

14
15 IT IS SO ORDERED.

16 Dated: November 28, 2011

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CHIEF UNITED STATES DISTRICT JUDGE