

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM D. DUNNE,

Petitioner,

v.

D. SMITH, WARDEN, B. AVALOS,
ASSOCIATE WARDEN, and J.
KARGE, CAPTAIN,

Defendants.

Case No. 1:07-CV-0074-BLW

ORDER

Before the Court is Plaintiff's Motion to be Provided Copy of Magistrate's Report and Recommendation and for Extension of Time to Respond to it and to Correct the Record (Dkt. 42), Plaintiff's Motion to Stay Proceedings Pending Service of Relevant Documents (Dkt. 46), and Plaintiff's Motion for Extension of Time (Dkt. 47). Plaintiff's Motions will be granted in part and denied in part, as follows.

The Clerk of Court shall forward a copy of United States Magistrate Judge's Report and Recommendation (Dkt. 40) to Plaintiff at his current address. The Court finds it unnecessary to extend the time for Plaintiff to object to the Report and Recommendation, because Judge Boyle recommended only that the Court reopen and

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extend the deadline for adding parties and filing dispositive motions. He made no findings or recommendations on substantive issues in the case, and the setting of deadlines is a procedural matter that is within this Court's discretion irrespective of the magistrate judge's recommendation.

Accordingly, within 21 days of this Order, Plaintiff shall respond to Defendants' Supplemental Motion for Summary Judgment, file any motions for leave to amend and join parties and/or any dispositive motions.

ORDER

IT IS ORDERED:

1. Plaintiff's Motion to be Provided Copy of Magistrate's Report and Recommendation and for Extension of Time to Respond to it and to Correct the Record (Dkt. 42), Plaintiff's Motion to Stay Proceedings Pending Service of Relevant Documents (Dkt. 46), and Plaintiff's Motion for Extension of Time (Dkt. 47) are GRANTED in part and DENIED in part, as set forth above.
2. The Clerk of Court shall forward a copy of United States Magistrate Judge Larry M. Boyle's Report and Recommendation (Dkt. 40) to Plaintiff at his current address.
3. Within 21 days of the date of this Order, Plaintiff shall respond to Defendants' Supplemental Motion for Summary Judgment, file any motions for leave to amend and/or join parties, and/or file his own dispositive

motion, if any.



DATED: **January 18, 2011**

B. Lynn Winmill

B. LYNN WINMILL

Chief Judge

United States District Court