

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

WILLIE LEE CARPENTER,

1:07-cv-00114-AWI-GBC (PC)

Plaintiff,

ORDER DENYING AS MOOT
PLAINTIFF'S MOTION TO ACCEPT MAIL
THAT WAS DELAYED JUDGMENT

vs.

(Doc. 176)

W. J. SULLIVAN, et al,

Defendants.

_____ /

Plaintiff Willie Lee Carpenter, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983. On February 3, 2012, Plaintiff filed a motion requesting the Court to accept a late motion for extension of time due to the fact that his mail, which was postmarked January 23, 2012, was returned to Plaintiff for inadequate postage. Doc. 176. Along with Plaintiff's motion to file a late request for extension, Plaintiff filed a motion for extension of time on February 3, 2012. Doc. 173. The Court granted Plaintiff's motion to extend time to file an opposition, however, denied Plaintiff's motion to extend discovery since the discovery deadline of January 5, 2012, had passed. Doc. 177.

Given that the postmark for Plaintiff's returned mail was January 23, 2012, Plaintiff's request to extend discovery would still have been well passed the January 5, 2012, deadline. Moreover, the Court still granted Plaintiff's motion for extension of time to file an opposition.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Doc. 177. Based on the foregoing, Plaintiff's motion for the court to consider Plaintiff's late motion filed on February 3, 2011, is HEREBY DENIED. Doc. 176.

IT IS SO ORDERED.

Dated: June 19, 2012


UNITED STATES MAGISTRATE JUDGE