

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

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MIGUEL A. JIMENEZ,

1:07-cv-01191-LJO-GSA-PC

Plaintiff,

v.

ORDER VACATING DEFENDANTS'
MOTION TO DISMISS FROM
COURT'S CALENDAR

R. WENCIKER, et al.,

(Doc. 31.)

Defendants.

_____ /

Plaintiff Miguel A. Jimenez (“plaintiff”) is a state prisoner proceeding pro se with this civil rights action pursuant to 42 U.S.C. § 1983. On May 26, 2009, defendants filed a motion to dismiss this action, and on June 12, 2009, plaintiff filed an opposition to the motion. (Docs. 31, 35.) On February 12, 2010, findings and recommendations were entered by the Magistrate Judge, recommending that defendants' motion to dismiss be granted with leave to amend. (Doc. 37.) The parties were granted thirty days in which to file objections to the findings and recommendations. Id. On March 3, 2010, plaintiff filed a motion seeking an extension of time until April 7, 2010 in which to file objections. (Doc. 38.) In support of his motion, plaintiff declares that he did not receive the Magistrate Judge's findings and recommendations until February 24, 2010, due to institutional mail delays, and he has limited access to the law library. Id. In a separate order, the court shall grant plaintiff a thirty-day extension of time in which to file objections.

///

1 In light of 28 U.S.C. § 476(a)(1), the Civil Justice Reform Act, defendants' motion to
2 dismiss, filed May 26, 2009, is HEREBY DEEMED VACATED from the Court's calendar until
3 such time as plaintiff's deadline to file objections has expired.

4 IT IS SO ORDERED.

5 **Dated: March 10, 2010**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28