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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

EDWARD DEMERSON,

Plaintiff,

v.

JEANNE S. WOODFORD, et al.,

Defendants.

CASE NO. 1:08-cv-00144-LJO-SKO PC

ORDER GRANTING THIRD EXTENSION OF  
TIME TO FILE OPPOSITION

(Doc. 164)

THIRTY-DAY DEADLINE

Plaintiff Edward Demerson, a former state prisoner proceeding pro, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 29, 2008. This action is proceeding on Plaintiff’s second amended complaint, filed on June 24, 2009, against Defendants Phillips, Campos, Amaro, Clausing, Bardonnex, Munoz, and Cartagina for using excessive physical force against Plaintiff, and against Defendants Munoz, Cartagina, Gregory, and Hillard for acting with deliberate indifference toward Plaintiff’s resulting injuries, in violation of the Eighth Amendment of the United States Constitution.

Defendants filed a motion for summary judgment on October 29, 2012. Plaintiff has subsequently sought and been granted two extensions of time to file his opposition. On March 1, 2013, Plaintiff filed his third motion seeking an extension of time. In light of Plaintiff’s recent release from prison, evidence that he has pneumonia, and representation that he is arranging for stable housing, the Court will grant Plaintiff a third extension of time. However, Plaintiff has had more than four months to draft his opposition and notwithstanding his need to treat his pneumonia and finalize stable housing arrangements, Plaintiff’s release from custody has removed the

1 impediment to his ability to complete and mail his opposition caused by his incarceration. Plaintiff  
2 is required to exercise due diligence and the Court anticipates he will do so within the next thirty  
3 days. Fed. R. Civ. P. 6(b)(1).

4 Accordingly, Plaintiff's third motion for an extension of time is GRANTED and he shall file  
5 his opposition within **thirty (30) days** from the date of service of this order.

6  
7 IT IS SO ORDERED.

8 **Dated: March 4, 2013**

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE