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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

FRED PRICE,		CASE NO. 1:08-cv-00425-AWI-BAM PC
Plaintiff,		ORDER ADDRESSING PLAINTIFF'S
v.		OPPOSITION TO ORDER GRANTING
		DEFENDANTS' MOTION FOR AN
		EXTENSION OF TIME
S. R. CUNNINGHAM, et al.,		(ECF No. 74)
Defendants.		

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Plaintiff Fred Price ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Dispositive motions in this action were due on October 1, 2012. (ECF No. 53.) On September 27, 2012, Defendants filed a motion for an extension of time to file a motion for summary judgment. (ECF No. 70.) On September 28, 2012, the Magistrate Judge found good cause and granted Defendants motion and the dispositive motion deadline was extended to October 8, 2012. (ECF No. 28.) On October 8, 2012, Defendants filed a motion for summary judgment. (ECF No. 72.) On October 9, 2012, a deposition transcript and Plaintiff's opposition to the order extending the motion for summary judgment were filed. (ECF No. 74.)

Plaintiff objects to the order granting the extension of time because he was not granted an opportunity to oppose the motion. Plaintiff states that Defendants have deceived the Court and had sufficient time to file their motion for summary judgment prior to the dispositive motion deadline. Plaintiff requests the order granting the extension of time be reversed.

Plaintiff does not set forth any facts to support his allegation that Defendants have attempted

1 to deceive the Court. Further, the dispositive motion deadline was October 1, 2012, and Plaintiff  
2 is not prejudiced by the one week extension of time to allow Defendant Mullins, who was  
3 unavailable prior to the dispositive motion deadline, to review the motion and sign pertinent  
4 documents.

5 The Court has conducted a de novo review and finds that good cause existed to modify the  
6 scheduling order. Plaintiff's request to reverse the order issued September 28, 2012, is HEREBY  
7 DENIED.

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9 IT IS SO ORDERED.

10 Dated: October 19, 2012

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13 CHIEF UNITED STATES DISTRICT JUDGE  
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