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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GARRISON S. JOHNSON,

Plaintiff,

v.

JOHN DOVEY, et al.,

Defendants.

CASE NO. 1:08-CV-00640-LJO-DLB PC

ORDER DENYING REQUEST FOR
EXTENSION OF TIME TO FILE MOTION
FOR RECONSIDERATION

(Docs. 12, 15)

OBJECTIONS TO FINDINGS AND
RECOMMENDATIONS [8] DUE WITHIN
THIRTY (30) DAYS OF SERVICE OF THIS
ORDER

_____ /

Plaintiff Garrison S. Johnson (hereinafter "Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on May 8, 2008. (Doc. 1). On November 3, 2008, plaintiff filed a motion seeking a temporary restraining order and preliminary injunction. On December 15, 2008, the undersigned issued a Findings and Recommendations recommending that Plaintiff's motion to be denied. (Doc. 8). Plaintiff was advised that he could file an objection within thirty days. On January 23, 2009, the Court granted Plaintiff's motion for a thirty day extension of time to file his objection. (Doc. 10).

Now pending before the Court is Plaintiff's request for an extension of time to file an application for reconsideration. (Docs. 12, 15). Local Rule 78-230(k) governs applications for reconsideration. The Rule states in relevant part, "[w]henver any motion has been granted or denied in whole or in part, and a subsequent motion for reconsideration is made upon the same or any

1 alleged different set of facts, it shall be the duty of counsel to present to the Judge or Magistrate
2 Judge to whom such subsequent motion is made an affidavit or brief, as appropriate, setting forth
3 the material facts and circumstances surrounding each motion for which reconsideration is sought...”

4 In the instant case, the Findings and Recommendations have not yet been addressed by the
5 District Judge, and so Plaintiff’s motion for a temporary restraining order and/or injunctive relief has
6 not yet been denied or granted in whole or in part. Local Rule 78-230(k). A motion for
7 reconsideration is premature at this point, and accordingly, Plaintiff’s request for an extension of
8 time to file such a motion is DENIED.

9 Plaintiff has also requested a thirty day extension of time, from the date that the Court rules
10 on his request to file a motion for reconsideration, to file his objection to the Findings and
11 Recommendations. Plaintiff’s request is GRANTED, and his objection to the Findings and
12 Recommendations, filed December 15, 2008, is due no later than **thirty (30) days** from the date of
13 service of this order. The document should be captioned “Objections to Magistrate Judge’s Findings
14 and Recommendations.” Plaintiff is again advised that failure to file objections within the specified
15 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th
16 Cir. 1991).

17 IT IS SO ORDERED.

18 **Dated: February 19, 2009**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE