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

DORIAN DAVIS, aka WALI AL-TAQUI,  
  
Plaintiff,  
  
v.  
  
E.G. FLORES et al.,  
  
Defendants.

CASE NO. 1:08-CV-1197-JTM (JMA)  
  
**ORDER DENYING PLAINTIFF'S  
REQUEST TO WITHDRAW  
MOTION TO EXTEND TIME**  
  
Doc. No. 65


On December 1, 2010, Plaintiff filed a motion for an extension of time to file additional briefing in opposition to Defendants' motion for summary judgment. (Doc. No. 63.) The court granted Plaintiff's motion and ordered Plaintiff to submit any further filings by December 14, 2010, with Defendants' reply due by December 23, 2010. (Doc. No. 64.) The same day that the court's order was filed, however, Plaintiff filed a second motion seeking to withdraw his request for an extension. (Doc. No. 65.) According to Plaintiff, his ability to access the information he seeks has been severely limited by the modified program currently being instituted at the facility where he is housed. Moreover, Plaintiff expects the modified program to be prolonged as the result of a mass facility yard search. Therefore, Plaintiff has requested that Defendants' motion for summary judgment proceed on the briefing already submitted.

Because the court has already ruled on Plaintiff's original motion, Plaintiff's request to withdraw the motion to extend time is DENIED. The briefing schedule in the most recent

1 order stands. Plaintiff shall have until December 14, 2010, to file additional briefing if he is  
2 able to do so; if he is not, then the briefing already submitted shall be construed as the entirety  
3 of his opposition. Defendants shall continue to have until December 23, 2010 to submit their  
4 reply.

5 **IT IS SO ORDERED.**

6 DATED: December 10, 2010

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8 Hon. Jeffrey T. Miller  
9 United States District Judge

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