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

ANTHONY GASTON,

Plaintiff,

v.

TERRONEZ,

Defendant.

1:08-cv-01629-GSA-PC

ORDER DISCHARGING ORDER TO SHOW  
CAUSE  
(Doc. 57.)

ORDER GRANTING PLAINTIFF EXTENSION  
OF TIME TO FILE RESPONSE TO MOTION  
FOR SUMMARY JUDGMENT

THIRTY DAY DEADLINE

Anthony Gaston (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on October 27, 2008. (Doc. 1.) This action now proceeds on the First Amended Complaint, filed by Plaintiff on May 4, 2009, against defendant Correctional Officer Lisa Terronez (“Defendant”) for violations of Plaintiff’s rights under the Eighth Amendment and the Americans with Disabilities Act (“ADA”). (Doc. 8.)

The parties to this action have consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c) for all further proceedings, including trial and entry of final judgment. (Docs. 5, 16.)

On May 21, 2012, the Court entered an Order to Show Cause, requiring Plaintiff to show cause why this action should not be dismissed for Plaintiff’s failure to comply with the Court’s order

1 requiring him to file a status report. (Doc. 57.) On June 20, 2012, Plaintiff filed a response to the  
2 Order to Show Cause, explaining that he inadvertently sent the status report to Defendant instead of  
3 to the Court. (Doc. 59.) Plaintiff notified the Court that his United States Supreme Court appeal was  
4 dismissed “sometime around April-2012.” (Id. at 1.) Plaintiff also asserts that he is suffering acute  
5 symptoms of mental illness, has attempted suicide, and was transferred to a mental health facility  
6 in Vacaville, California, where he is currently undergoing treatment. (Id. at 1-2.) Plaintiff also  
7 requests an extension of time to respond to Defendant’s motion for summary judgment of May 18,  
8 2012. (Id. at 2.)

9 Good cause having been presented to the Court, and GOOD CAUSE APPEARING  
10 THEREFOR, IT IS HEREBY ORDERED that:

- 11 1. The Court’s Order to Show Cause, entered on May 21, 2012, is DISCHARGED;
- 12 2. Plaintiff’s request for an extension of time is GRANTED; and
- 13 3. Within thirty days of the date of service of this order, Plaintiff shall file a response  
14 to Defendant’s motion for summary judgment of May 18, 2012.

15  
16 IT IS SO ORDERED.

17 **Dated: June 25, 2012**

17 /s/ Gary S. Austin  
18 UNITED STATES MAGISTRATE JUDGE