

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DONALD GLASS,

Plaintiff,

v.

R. FIELDS, et al.,

Defendants.

CASE NO. 1:09-cv-00098-AWI-BAM PC

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DENYING PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION

(ECF Nos. 65, 82)

ORDER DENYING PLAINTIFF’S MOTION FOR AN EXTENSION OF TIME NUNC PRO TUNC AND STRIKING OBJECTION

(ECF Nos. 94, 95)

Plaintiff Donald Glass (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 3, 2012, the Magistrate Judge filed a [Findings and Recommendations](#) herein which was served on the parties and which contained notice to the parties that any objections to the Findings and Recommendations were to be filed within thirty days. On January 31, 2012, the Court granted Plaintiff’s Motion for an Extension of Time and Plaintiff was granted fourteen days in which to file objections. On March 7, 2012, Plaintiff filed untimely Objections and a Motion for an Extension of Time Nunc Pro Tunc. (ECF Nos. 94, 95.) On March 9, 2012, Defendants filed an opposition to the motion for an extension of time. Defendants oppose the motion because it is blank. (ECF No. 96.) Plaintiff’s Motion for an Extension of Time fails to set forth any information as to

1 why he failed to timely file the Objections. Accordingly, Plaintiff has failed to show good cause,
2 the Motion shall be denied, and Plaintiff's Objection will be stricken from the record.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
4 de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings
5 and Recommendations to be supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff's Motion for an Extension of Time Nunc Pro Tunc, filed March 7, 2012, is
8 DENIED;
- 9 2. Plaintiff's Objections, filed March 7, 2012, is STRICKEN FROM THE RECORD;
- 10 3. The Findings and Recommendations, filed January 3, 2012, is adopted in full;
- 11 4. Plaintiff's motion for a preliminary injunction, filed October 11, 2011, is DENIED;
12 and
- 13 5. This action is referred back to the Magistrate Judge for further proceedings.

14 IT IS SO ORDERED.

15 Dated: March 22, 2012

16 
17 _____
18 CHIEF UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26
27
28