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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **DONALD GLASS,**) **1:09-cv-0098-AWI-BAM-PC**
9 **Plaintiff,**) **ORDER REGARDING PLAINTIFF'S**
10 **v.**) **MOTION FOR RECONSIDERATION**
11 **J. S. WOODFORD, et. al.,**) **(Document #79)**
12 **Defendants.**)
13

14 **BACKGROUND**

15 Plaintiff Donald Glass is a state prisoner proceeding pro se and in forma pauperis in this civil
16 rights action pursuant to 42 U.S.C. § 1983.

17 On July 25, 2011, Defendants filed a motion for summary judgment.

18 On August 12, 2011, Plaintiff filed a motion for a continuance of the motion for
19 summary judgment to allow Plaintiff additional time in which to conduct discovery. On September
20 7, 2011, the court denied Plaintiff's motion for a continuance and directed Plaintiff to file an
21 opposition within sixty days.

22 On November 9, 2011,¹ Plaintiff filed a motion for an extension of time to file an opposition
23 to the motion for summary judgment. Plaintiff asked for sixty additional days in which to file an
24 opposition. On November 10, 2011, the Magistrate Judge granted Plaintiff thirty additional days to
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26 ¹ The proof of service on this document is dated November 2, 2011, and the document is deemed filed as of this
27 date pursuant to the prisoner mailbox rule. The court refers to the court's date of actual filing for consistency and because
28 these are the dates reflected in the court's document.

1 file an opposition.

2 On December 16, 2011,² Plaintiff filed a motion for reconsideration of the court's November
3 10, 2011 order. Plaintiff states that additional time is needed because prison officials have
4 Plaintiff's legal materials concerning this case and Plaintiff does not have access to them. In this
5 motion, Plaintiff asks for sixty additional days to file his opposition.

6 On February 23, 2012,³ Plaintiff filed an opposition to the motion for summary judgment.
7 On March 2, 2012, Defendants filed a reply brief addressing the opposition.

8 **ORDER**

9 Plaintiff has provided evidence that he needed additional time to file an opposition because
10 he did not have his legal documents. Plaintiff has now filed his opposition. In the interests of
11 justice, the court will grant Plaintiff's motion.

12 Accordingly, Plaintiff's motion for reconsideration is granted and the court will consider
13 Plaintiff's opposition brief.

14 IT IS SO ORDERED.

15 Dated: April 25, 2012

16 
CHIEF UNITED STATES DISTRICT JUDGE

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26 ² The proof of service on this document is dated December 10, 2011.

27 ³ The proof of service on this document is dated February 12, 2012.