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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BARRY LOUIS LAMON,

CASE NO. 1:09-cv-00205-LJO-SMS (PC)

Plaintiff,

ORDER VACATING ORDER GRANTING
FIRST MOTION TO EXTEND TIME TO
RESPOND TO DEFENDANTS’ MOTIONS
AND PLEADINGS

v.

DERRAL ADAMS, et al.,

(Doc. 97)

Defendants.

Barry Louis Lamon, (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. §1983. On February 1, 2011, Plaintiff filed a motion to extend time to respond to Defendants’ motions and pleadings. (Doc. 81.) In that request, Plaintiff specified that he was requesting the extension of time to file “Plaintiff’s Statement of Controverted Facts in Support of His Opposition to Defendants’ Motion for Summary Judgment, Plaintiff’s Reply to Defendants Opposition to Plaintiff’s Motion for Summary Judgment of Default, and Plaintiff’s Reply to Defendants’ Opposition to Plaintiff’s Nunc Pro Tunc Motion to Re-open and extend Discovery.” (*Id.*)

Upon review, Plaintiff’s supplemental opposition to Defendants’ motion for summary judgment which he filed on February 18, 2011 (Docs. 87, 88), was not due until March 2, 2011 (Doc. 84); the order on Plaintiff’s “Motion for Summary Judgment on Default” (Doc. 63) issued on January 18, 2011 – prior to Plaintiff’s request for an extension of time to file his reply; and the order on Plaintiff’s Motion to Re-open and extend discovery (Doc. 67) issued on February 1, 2011 – the same day that Plaintiff filed his request for the extension of time to file his reply. On

1 March 23, 2011, an order issued granting the extension of time Plaintiff requested. (Doc. 97.)
2 However, since Plaintiff's supplemental opposition was filed well before the March 2, 2011 due
3 date and orders had already issued on both of the other motions, the extension of time sought by
4 Plaintiff was unnecessary.

5 Accordingly, the order granting Plaintiff an extension of time, filed March 23, 2011 (Doc.
6 97) is hereby VACATED and Plaintiff's motion for an extension of time, filed February 1, 2011
7 (Doc. 81) is hereby DENIED as moot in light of the above.

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10 IT IS SO ORDERED.

11 **Dated:** April 6, 2011

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE