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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL LENOIR SMITH,

Plaintiff,

v.

SGT. GREEN, et al.,

Defendants.

CASE NO. 1:09-CV-00600-AWI-DLB PC

ORDER GRANTING DEFENDANTS’
MOTION FOR EXTENSION OF TIME
NUNC PRO TUNC (DOC. 25)

ORDER REQUIRING PLAINTIFF TO FILE
RESPONSE TO DEFENDANTS’ MOTION
TO DISMISS (DOC. 26)

RESPONSE DUE WITHIN TWENTY-ONE
DAYS

_____ /

Plaintiff Michael Lenoir Smith is a California state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is proceeding on his amended complaint against Defendants Green, Lee, and Navarro for retaliation in violation of the First Amendment. Pending before the Court are 1) Defendants’ motion for an extension of time to respond to Plaintiff’s amended complaint, filed April 22, 2011, and 2) Defendants’ motion to dismiss, filed May 10, 2011. Docs. 25, 26.

I. Motion For Extension Of Time

Defendants moved for a fifteen day extension of time to file a responsive pleading, up to and including May 10, 2011. Defendants requested this extension because they anticipated filing a motion to dismiss for failure to exhaust administrative remedies. Defendants were waiting for the relevant inmate appeals from the California Department of Corrections and Rehabilitation (“CDCR”). Defendants subsequently filed their motion to dismiss.

Good cause is required for an extension of time. Fed. R. Civ. P. 6(b). Good cause

1 appearing, it is HEREBY ORDERED that Defendants' motion for extension of time to file a
2 responsive pleading is granted nunc pro tunc.

3 **II. Motion To Dismiss**

4 Defendants' motion to dismiss was filed on May 10, 2011. As of the date of this order,
5 Plaintiff has not filed an opposition or statement of non-opposition to this action, as required by
6 Local Rule 230(l). Accordingly, it is HEREBY ORDERED that Plaintiff is to file a response to
7 Defendants' motion to dismiss within twenty-one (21) days from the date of service of this order.
8 Failure to comply with this order will result in waiver of the opportunity to file an opposition.

9 IT IS SO ORDERED.

10 **Dated: July 5, 2011**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE