

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

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DERRICK LANE JOHNSON,
Plaintiff,
vs.
S. CAVAGNARO, et al.,
Defendants.

Case No. 1:09-cv-00742 AWI JLT (PC)
ORDER DENYING PLAINTIFF’S MOTION
TO POSTPONE THIS ACTION
(Doc. 32)

_____ /

Plaintiff is a state prisoner proceeding pro se an in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. On February 7, 2011, Plaintiff filed a motion to stay this matter. (Doc. 30.) In his motion, Plaintiff indicates that he is unable to file an opposition to Defendants’ pending motion to dismiss (Doc. 28) because he does not have access to his legal materials while confined in administrative segregation awaiting transfer to another prison. By order dated February 9, 2011, the Court denied Plaintiff’s motion to stay and instead granted Plaintiff an extension of time to file an opposition or an explanation for his failure to do so. (Doc. 31.)

Now pending before the Court is Plaintiff’s February 9, 2011 motion to postpone this action. (Doc. 32.) The motion appears to be duplicative of Plaintiff’s February 7, 2011 motion to stay. In the pending motion, Plaintiff again requests the Court to postpone this action while he is confined in administrative segregation and is without his legal materials. The pending motion is also dated February 6, 2011, and therefore was apparently mailed prior to Plaintiff’s receipt of the Court’s

1 February 9, 2011 order denying Plaintiff's initial motion to stay.

2 Because the pending motion appears to be duplicative of a motion already disposed of by the
3 Court, it is **HEREBY ORDERED** that Plaintiff's February 9, 2011 motion to postpone this case
4 (Doc. 32) is **DENIED** as having been rendered moot.

5
6 IT IS SO ORDERED.

7 Dated: February 14, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28