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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EVERETT GALINDO GONZALEZ,

CASE NO. 1:09-cv-01284-AWI-SKO PC

Plaintiff,

ORDER GRANTING PLAINTIFF’S MOTION
FOR SIXTY-DAY EXTENSION OF TIME TO
FILE OBJECTIONS AND VACATING
DEFENDANTS’ MOTIONS TO DISMISS
FROM COURT’S CALENDAR PENDING
OBJECTION DEADLINE

v.

DERRAL G. ADAMS, et al.,

Defendants.

(Docs. 29, 43, 44, and 57)

_____/

Plaintiff Everett Galindo Gonzalez, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on July 23, 2009. Pursuant to the third screening order filed on March 12, 2012, this action for damages is proceeding on Plaintiff’s third amended complaint against Defendants Fisher, Giacomi, Norton, Watson, Dotson, Ruff, Roman, Speer, Gardemal, Lunes, Rodriguez, and Espinosa (1) for revalidating Plaintiff in 2004 and then again in 2006, and (2) rejecting him for inactive gang status and revalidating him in 2006/2007, all without notice, a meaningful opportunity to be heard, and the existence of some evidence with an indicia of reliability, in violation of the Due Process Clause.

On February 20, 2013, the Magistrate Judge issued findings and recommendations recommending that Defendants’ three motions to dismiss, filed on July 9, 2012, October 25, 2012, and November 7, 2012, be granted in part and denied in part. On March 18, 2013, Plaintiff filed a motion seeking a sixty-day extension of time to file objections. Due to Plaintiff’s inability to complete and file objections within the initial thirty-day period provided, the Court cannot yet rule on the motions to dismiss.

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. Plaintiff's motion for a sixty-day extension of time to file objections is GRANTED;
3 and
4 2. In light of 28 U.S.C. § 476(a)(1), the Civil Justice Reform Act, Defendants' motions
5 to dismiss are DEEMED VACATED from the Court's calendar until (1) Plaintiff
6 files objections and Defendants' response, if any, is timely filed, or (2) the thirty-day
7 objection period expires without receipt of objections.¹

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9 IT IS SO ORDERED.

10 Dated: March 20, 2013



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12 SENIOR DISTRICT JUDGE

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28 ¹ The Court's action is purely administrative and the parties need take no further action. Once the objection period is closed, the Court will issue its ruling on the motions to dismiss.