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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

STEVEN A. MARTIN,	)	Case No.: 1:10-cv-01153 – AWI – JLT (PC)
	)	
Plaintiff,	)	ORDER DENYING PLAINTIFF’S MOTION TO
	)	DISMISS AS MOOT
v.	)	(Doc. 27)
	)	
DERRAL G. ADAMS, et al.,	)	ORDER GRANTING DEFENDANT’S EX PARTE
Defendants.	)	APPLICATION FOR AN EXTENSION OF TIME
	)	TO FILE INITIAL RESPONSIVE PLEADING
	)	(Doc. 35)
	)	

Plaintiff Steven A. Martin (“Plaintiff”) is a state prisoner proceeding *pro se* with a civil rights action pursuant to 42 U.S.C. § 1983. At present, defense counsel appears on behalf of Defendant J. Mora and requests additional time to file a responsive pleading. (Docs. 34 and 35). Defense counsel requests up to, and including September 18, 2013, to file a responsive pleading. (Doc. 35 at 1).

Defense counsel reports that she was retained as defense counsel on August 15, 2013. (Doc. 35-1 at 1). She further indicates that she requires additional time to investigate the matter, and is currently requesting documents from Corcoran State Prison and Centinela State Prison for that purpose. *Id.* at 2. She indicates that this extension of time would not prejudice Plaintiff. *Id.* As Defendant J. Mora demonstrates **GOOD CAUSE** for his request for extension of time, the request is **GRANTED.**

1 In addition, the appearance of Defendant J. Mora moots Plaintiff's motion to dismiss the  
2 complaint filed on April 10, 2013. (Doc. 27). In his motion to dismiss, Plaintiff essentially sought to  
3 dismiss the present matter for the sole purpose of ascertaining the whereabouts of Defendant J. Mora.  
4 See Id. The Court deferred ruling on the matter, as it requested the Legal Affairs Division of the  
5 CDCR to assist Plaintiff in obtaining the information. (Doc. 28). Thus, Plaintiff's motion to dismiss is  
6 **DENIED as moot.**

7 **ORDER**

8 Accordingly, the Court **HEREBY ORDERS** that:

- 9 **1.** Plaintiff's motion to dismiss (Doc. 27) is **DENIED as moot;** and  
10 **2.** Defendant J. Mora's motion for 30-day extension of time to file initial responsive pleading  
11 is **GRANTED.** Defendant J. Mora shall have up to, and including, **September 18, 2013**, to file his  
12 initial responsive pleading.

13  
14 IT IS SO ORDERED.

15 Dated: August 22, 2013

/s/ Jennifer L. Thurston  
16 UNITED STATES MAGISTRATE JUDGE