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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KEVIN E. FIELDS,

Plaintiff,

vs.

P. PATTERSON, et al.,

Defendants.

1:10-cv-01700-LJO-EPG-PC

ORDER GRANTING MOTIONS FOR  
EXTENSION OF TIME NUNC PRO TUNC  
(ECF Nos. 86, 88, 89.)

Plaintiff is a prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. On December 2, 2015 and January 4, 2016, Plaintiff filed motions for extension of time to file oppositions to Defendant Patterson’s motion for summary judgment and motion for an order requiring security from a vexatious litigant.<sup>1</sup> (ECF Nos. 86, 88, 89.) Plaintiff requests extensions of time based on his assertions that he lacks access to his legal property and sufficient paper, envelopes, postage, and ink.

On January 6, 2016, the Court issued an order for Defendant Patterson (“Defendant”) to file a response to Plaintiff’s motions for extension of time within twenty days, addressing the length of the expected extensions of time and Plaintiff’s reasons for the extensions. (ECF No. 90.) In its order, the Court noted that Plaintiff’s January 4, 2016 motions were his fifth motions

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<sup>1</sup> On August 7, 2015, Defendant Patterson filed a motion for summary judgment. (ECF No. 67.) On August 13, 2015, Defendant Patterson filed a motion for an order requiring security from vexatious litigant. (ECF No. 68.)

1 for extension of time to file his oppositions. (Id.) On January 27, 2016, Defendant filed an  
2 opposition to Plaintiff's motions for extension of time, arguing that Plaintiff's assertions that he  
3 lacks access to his legal property and supplies are false. (ECF No. 98.) Defendant provides  
4 evidence that Plaintiff was separated from his legal materials for, at most, one day; that  
5 Plaintiff acknowledged receiving his property, including his legal paperwork and books, on  
6 December 30, 2015; and that Plaintiff's prison records demonstrate he has had access to writing  
7 supplies, and paper. (Kimbrell Decl. Ex. B.) Plaintiff has not replied to Defendant's  
8 opposition to the extensions of time. However, on January 25, 2016, Plaintiff filed his  
9 oppositions to Defendant's motions for summary judgment and motion for an order requiring  
10 security. (ECF Nos. 91, 96.)

11 At this juncture, in the interest of moving this case forward, the Court finds good cause  
12 to grant Plaintiff's motions for extension of time *nunc pro tunc*. Therefore, IT IS HEREBY  
13 ORDERED that Plaintiff's motions for extension of time filed on December 2, 2015 and  
14 January 4, 2016, are granted *nunc pro tunc*, deeming Plaintiff's oppositions of January 25, 2016  
15 timely filed.

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17 IT IS SO ORDERED.

18 Dated: February 5, 2016

19 /s/ Eric P. Gray  
20 UNITED STATES MAGISTRATE JUDGE  
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