UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

TIMOTHY HOWARD,) Case No.: 1:10cv01783 AWI DLB (PC)
Plaintiff,))
v.) ORDER DISREGARDING PLAINTIFF'S
) MOTION FOR OBJECTIONS
J. WANG, et al.,)
) (Document 66)
Defendants.)
)
)

Plaintiff Timothy Howard ("Plaintiff") is a prisoner in the custody of the California Department of Corrections and Rehabilitation ("CDCR"). Plaintiff is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. The action is proceeding on Plaintiff's Eighth Amendment claim against Defendants Dr. Wang and Dr. Clark.

Defendants filed a motion for summary judgment on January 30, 2014. Plaintiff filed his opposition on February 24, 2014. On March 10, 2014, the Court granted Defendants' March 7, 2014, request for additional time to file a reply.

On March 17, 2014, the Court received Plaintiff's objections to Defendants' request for an extension. Plaintiff states that since Defendants acknowledge that a reply was due on March 3, 2014, their request should have been filed by that date.

While Plaintiff is correct that generally, requests for extensions must be filed prior to the expiration of the date at issue, he fails to recognize that Defendants made a calendaring error. It was this error, not Defendants' "ignorance of the law," that resulted in the delayed filing. In such circumstances, the Court can exercise its discretion to excuse a late request.

Plaintiff's "motion for objections" is therefore DISREGARDED.

IT IS SO ORDERED.

Dated: March 19, 2014 /s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE