

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

SUSAN MAE POLK,
Plaintiff,

vs.

PITTMAN, et al.,
Defendants.

1:11-cv-00728-AWI-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND
DISMISSING CERTAIN CLAIMS AND
DEFENDANTS (ECF Nos. 35, 37.)

ORDER DENYING PLAINTIFF'S FOURTH
AND FIFTH MOTIONS TO EXTEND
TIME TO FILE OBJECTIONS TO
FINDINGS AND RECOMMENDATIONS
(ECF No. 45, 46)

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Plaintiff is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 18, 2012, the Magistrate Judge filed a findings and recommendations in which Plaintiff was granted thirty days to file objections. (ECF No. 37.) On October 9, 2012, after receiving three extensions of time to file her objections, Plaintiff filed a fourth request for an extension of time to submit objections to the Magistrate’s findings and recommendations. (ECF No. 45.) On October 17, 2012, Plaintiff filed a fifth motion for an extension of time to file objections to the findings and recommendations. (ECF No. 46.)

In the order granting Plaintiff’s third request for an extension of time, Plaintiff was advised that no further extensions of time to file objections would be granted. (ECF No. 44.) The findings and recommendations at issue were filed on June 18, 2012, and Plaintiff has had approximately four months in which to file her objections. Further, in her third motion for an extension of time, Plaintiff stated that she had received a copy of the complaint that was needed to file her objections to the findings and recommendations a week prior to filing the motion for

1 an extension of time. The Court finds that the fact that Plaintiff has deadlines in other court
2 cases does not establish good cause to grant a further extension here. Plaintiff's fourth and fifth
3 motions for an extension of time to file objections to the findings and recommendations shall be
4 denied.

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted
6 a de novo review of this case. Having carefully reviewed the entire file, the Court finds the
7 Findings and Recommendations to be supported by the record and by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Plaintiff's fourth motion for an extension of time to file objections to the
10 findings and recommendations, filed October 10, 2012, is DENIED;
- 11 2. Plaintiff's fifth motion for an extension of time to file objections to the findings
12 and recommendations, filed October 17, 2012, is DENIED;
- 13 3. The findings and recommendations, filed June 18, 2012, is adopted in full;
- 14 4. Defendants Kunkel, Harry, Williams, Egeline, Arballo, Neumann, and Clark are
15 dismissed from this action, without leave to amend, as they are improperly
16 joined under Federal Rules of Civil Procedure 18 and 20;
- 17 5. Plaintiff's claims based upon her MHSDES designation are dismissed from this
18 action, without leave to amend;
- 19 6. Within thirty days from the date of service of this order Plaintiff shall either:
 - 20 a. File an amended complaint curing the deficiencies identified in the
21 findings and recommendations; or
 - 22 b. Notify the Court in writing that she does not wish to file a fourth
23 amended complaint and is willing to proceed only against Defendants
24 Keith, Logan, Gerber, and Mason for failure to protect in violation of the
25 Eighth Amendment; and

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7. Failure to file a fourth amended complaint or notify the Court in compliance with this order will result in dismissal of this action for failure to comply with a court order.

IT IS SO ORDERED.

Dated: October 19, 2012



CHIEF UNITED STATES DISTRICT JUDGE