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

WILBUR ATCHERLEY,) Case No.: 1:12cv00225 LJO DLB (PC)
)
Plaintiff,) ORDER REGARDING PLAINTIFF’S
v.) REQUEST TO TAKE NOTICE OF
) PENDING SURGERY
CLARK, et al.,)
) (Document 213)
Defendants.)
)
)
)

Plaintiff William Atcherley (“Plaintiff”) is a prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 28 U.S.C. § 1983. This action is proceeding on Plaintiff’s Third Amended Complaint, filed on January 26, 2015, for violation of the Eighth Amendment and negligence against numerous Defendants.

There are three motions for summary judgment pending, two of which have been stayed. The remaining motion is fully briefed and awaiting decision.

On February 2, 2015, Plaintiff filed a motion in which he requests that the Court take notice of his knee surgery, which will take place in the next 7 to 10 days.¹ He states that he will be at an outside hospital for 7 to 15 days following the surgery and will not be issued any mail during this time.

¹ Plaintiff signed the motion on January 28, 2015.

1 At this time, the only deadline pending is related to Plaintiff's return of service documents for
2 newly named Defendants J. Kim and R.N. Montebon. Pursuant to the January 29, 2015, order, the
3 service documents are due on or about March 3, 2015. Because it is possible that Plaintiff may
4 comply with this deadline despite his surgery, the Court will not extend the deadline at this time.
5

6 However, the Court will take Plaintiff's surgery into consideration should he not respond prior
7 to March 3, 2015.

8 IT IS SO ORDERED.

9
10 Dated: February 4, 2015

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE