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

RIGOBERTO POLONCO,)	Case No.: 1:12-cv-00984-SAB (PC)
)	
Plaintiff,)	ORDER DENYING PLAINTIFF'S MOTION FOR
)	EXTENSION OF TIME TO FILE AN APPEAL
v.)	
)	(ECF No. 22)
M. D. BITER, et al.,)	
)	
Defendants.)	
)	
)	

Plaintiff Rigoberto Polonco is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On May 5, 2014, Plaintiff filed a motion for an extension of time to file an appeal. In the motion, Plaintiff makes reference to the fact that this action had been dismissed for which he sought the ability to appeal.

On April 28, 2014, the Court vacated the order of dismissal issued April 4, 2014, and vacated the judgment in light of Plaintiff's motion for an extension of time that was docketed after the dismissal order. Accordingly, this action is proceeding forward and there is no basis for an extension of time to file an appeal, and Plaintiff's motion is DENIED on that basis.

IT IS SO ORDERED.

Dated: May 29, 2014


UNITED STATES MAGISTRATE JUDGE