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5 **UNITED STATES DISTRICT COURT**

6 EASTERN DISTRICT OF CALIFORNIA

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9 CAYETANO MELENDEZ,) 1:13-cv-00279-AWI-BAM (PC)
10 Plaintiff,)
11 v.) SUA SPONTE ORDER GRANTING
12 HUNT, et al.,) PLAINTIFF EXTENSION OF TIME TO
13 Defendants.) FILE OPPOSITION TO MOTION FOR
14) SUMMARY JUDGMENT
15) SIXTY-DAY (60) DEADLINE
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16 Plaintiff Cayetano Melendez (“Plaintiff”) is a prisoner proceeding in forma pauperis in
17 this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s second
18 amended complaint against Defendant Hunt for excessive force, inhumane conditions of
19 confinement and deliberate indifference to serious medical need in violation of the Eighth
20 Amendment, and against Defendants Arriola and Cruz for failure to intervene in violation of the
21 Eighth Amendment.

22 On December 11, 2015, Defendants filed a motion for summary judgment. (ECF No. 42.)
23 Plaintiff’s opposition to that motion is currently due on or before January 4, 2016. Local Rule
24 230(l). Plaintiff has not yet filed any opposition.

25 On December 24, 2015, Plaintiff filed a motion for emergency appointment of counsel.
26 (ECF No. 43.) Due to the complexities of the matters raised in Defendants’ motion for summary
27 judgment and the issues raised by Plaintiff in his motion, the Court is carefully considering
28 Plaintiff’s request for the appointment of counsel. Plaintiff’s motion may not be resolved by the

1 Court before the imminent deadline for him to file any opposition to the pending summary
2 judgment motion. Consequently, the Court on its own motion will grant a sixty-day (60)
3 extension of time to Plaintiff to file any opposition to Defendants' motion for summary
4 judgment.

5 Accordingly, IT IS HEREBY ORDERED that Plaintiff is GRANTED an extension of
6 time to file an opposition to Defendants' motion for summary judgment until no later than sixty
7 (60) days after the date of service of this order.

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9 IT IS SO ORDERED.

10 Dated: December 29, 2015

/s/ Barbara A. McAuliffe
11 UNITED STATES MAGISTRATE JUDGE