

1 cause to vacate the F&R and granted Plaintiff a 60-day extension of time to file an opposition or
2 statement of non-opposition. (Doc. 92.) When Plaintiff did not file either within the time
3 allowed, the F&R was reinstated. (Doc. 94.) However, Plaintiff recently filed a motion
4 requesting a 60-day extension of time because a major lockdown occurred at his facility in
5 October and all inmates' property has been confiscated and is being searched. (Doc. 93.) Though
6 Plaintiff has requested his legal property, he has not yet received it back and correctional staff are
7 only able to tell him that he will receive his property back after it has been searched and that "it
8 may take awhile." (*Id.*, p. 4.) Accordingly, the Court ORDERS:

- 9 1. The Findings and Recommendations to grant Defendants' motion for summary
10 judgment, issued on August 17, 2017 (Doc. 87), are once again VACATED;
- 11 2. Plaintiff's motion for an extension of time to file an opposition or statement of
12 non-opposition to Defendants' motion for summary judgment, filed December 1,
13 2017 (Doc. 93), is GRANTED *nunc pro tunc* and he shall do so within 60 days of
14 the date of service of this order, failure to comply will result in reinstatement of
15 the August 17, 2017 Findings and Recommendations; and
- 16 3. The Clerk's Office is directed to forward copies of Defendants' motion for
17 summary judgment (Doc. 83), points and authorities (Doc. 83-1), statement of
18 undisputed facts (Doc. 83-2), and the declaration of Goree (Doc. 83-4) as well as
19 another copy of the Second Informational Order that issued on June 1, 2017 (Doc.
20 85) to Plaintiff along with service of this order.

21 **Plaintiff is advised that no further extensions of time will be granted. He must oppose the**
22 **motion or file a statement of non-opposition within 60 days or the Court will presume that**
23 **he does not wish to be heard on the matter.**

24
25 IT IS SO ORDERED.

26 Dated: December 7, 2017

/s/ Jennifer L. Thurston
27 UNITED STATES MAGISTRATE JUDGE