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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PETER CASEY CRUZ,  
Plaintiff,  
v.  
JONATHAN HAMRICK,  
Defendant.

Case No. 1:13-cv-00988-LJO-EPG (PC)  
ORDER RE: PLAINTIFF’S PROVISIONAL  
OPPOSITION TO DEFENDANT HAMRICK’S  
MOTION FOR SUMMARY JUDGMENT  
REQUEST FOR RESPONSE FROM THE  
EXECUTIVE DIRECTOR OF DSH -  
COALINGA  
ORDER DIRECTING CLERK TO  
SEND A COPY OF THIS ORDER AND  
A COPY OF PLAINTIFF’S OPPOSITION  
(ECF NO. 41) TO SENIOR ASSISTANT  
ATTORNEY GENERAL MONICA  
ANDERSON, THE EXECUTIVE  
DIRECTOR OF DSH - COALINGA,  
AND THE LITIGATION  
COORDINATOR AT DSH-COALINGA  
(ECF NO. 41)

Peter Casey Cruz (“Plaintiff”) is a civil detainee proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On December 13, 2017, defendant Hamrick filed a motion for summary judgment. (ECF No. 31). On January 18, 2018, Plaintiff filed a motion for an extension of time to file a response to the motion for summary judgment. (ECF No. 35). The Court granted the motion, but noted that no further extensions of time would be granted absent exceptional circumstances. (ECF No. 36).

On February 22, 2018, Plaintiff filed a second motion for an extension of time (ECF No. 39), which the Court granted (ECF No. 40). The Court noted that no further extensions would be

1 given. (Id. at 2).

2 On March 29, 2018, Plaintiff filed a provision opposition to defendant Hamrick’s motion  
3 for summary judgment. (ECF No. 41). Plaintiff states that the opposition is provisional because  
4 he is unable to meet the deadline for a formal opposition to the motion for summary judgment.  
5 Plaintiff alleges that his legal property has been seized. (Id. at p. 2, n.1).

6 While the Court was not going to grant any further extensions, Plaintiff’s allegation that  
7 his legal property has been seized raises concerns about Plaintiff’s access to the Court.  
8 Accordingly, the Court will grant Plaintiff an additional thirty days to file his opposition. If  
9 Plaintiff files another opposition, the Court will consider that opposition instead of Plaintiff’s  
10 provisional opposition.

11 Given the seriousness of Plaintiff’s allegation, the Court will also request that the  
12 Executive Director of Department of State Hospitals - Coalinga (“DSH - Coalinga”) file a  
13 response to the allegation.

14 Accordingly, the Court REQUESTS that, within fourteen (14) days from the date of  
15 service of this order, the Executive Director of DSH - Coalinga file a response to Plaintiff’s  
16 allegation regarding the seizure of his legal property.

17 Additionally, IT IS ORDERED that Plaintiff has thirty days from the date of service of  
18 this order in which to file his opposition to defendant Hamrick’s motion for summary judgment.  
19 If Plaintiff is unable to file his opposition by the extended deadline because he still does not have  
20 access to his legal property, he may request a further extension.

21 Finally, the Clerk of Court is directed to serve a copy of this order and a copy of  
22 Plaintiff’s opposition (ECF No. 41) on Supervising Deputy Attorney General Monica Anderson,  
23 the Executive Director of DSH - Coalinga, and the Litigation Coordinator at DSH – Coalinga.

24 IT IS SO ORDERED.

25 Dated: April 2, 2018

26 /s/ Eric P. Gray  
27 UNITED STATES MAGISTRATE JUDGE  
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