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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 SETTING HEARING ON  
PLAINTIFF’S REQUEST FOR  
EXTENSION OF TIME  
(ECF NO. 48)  
Date: June 25, 2018  
Time: 3:00 p.m.

Peter Casey Cruz (“Plaintiff”) is a civil detainee proceeding *pro se* and *in forma pauperis* in this civil rights action filed 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 granted. (*Id.* at 2).

On March 29, 2018, Plaintiff filed a provisional opposition to defendant Hamrick’s motion for summary judgment. (ECF No. 41). Plaintiff stated that the opposition was

1 provisional because he was unable to meet the deadline for a formal opposition to the motion for  
2 summary judgment. Plaintiff alleged that his legal property had been seized. (Id. at p. 2, n.1).

3 While the Court was not going to grant any further extensions, Plaintiff's allegation that  
4 his legal property has been seized raised concerns about Plaintiff's access to the Court.  
5 Accordingly, the Court granted Plaintiff an additional thirty days to file his opposition. (ECF No.  
6 42).

7 Plaintiff failed to timely file his opposition, so, in the abundance of caution, the Court  
8 gave Plaintiff fourteen days to either file a response to Defendant's motion for summary  
9 judgment, or request additional time to do so. (ECF No. 47). On May 31, 2018, Plaintiff  
10 requested additional time to file a response to the motion for summary judgment because he still  
11 does not have access to his legal property. (ECF No. 48).

12 Given the amount of extensions Plaintiff has requested and been granted, as well as  
13 Plaintiff's allegations that he still does not have access to his legal property, the Court will set a  
14 hearing on Plaintiff's request for extension of time. The Court will require the attendance of a  
15 representative from Department of State Hospitals – Coalinga with knowledge of the situation  
16 regarding Plaintiff's access to his legal property.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. A hearing on Plaintiff's request for extension of time is set for before Magistrate  
19 Judge Erica P. Grosjean on June 25, 2018, at 3:00 p.m., at the U. S. District Court,  
20 2500 Tulare Street, Fresno, California, 93721, in Courtroom #10.
- 21 2. A representative from Department of State Hospitals – Coalinga (“Coalinga”) with  
22 knowledge of the situation regarding Plaintiff's access to his legal property shall  
23 attend the hearing.
- 24 3. Plaintiff is required to appear telephonically. Defense counsel and Coalinga's  
25 representative may appear telephonically or in-person. To appear telephonically,  
26 each party is to use the following dial-in number and passcode: Dial-in number 1-  
27 888-251-2909; Passcode 1024453.

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- 4. Plaintiff shall make arrangements with staff at his or her institution of confinement for his or her attendance at the hearing. Plaintiff's institution of confinement shall make Plaintiff available for the hearing at the date and time indicated above. Prior to the hearing, defense counsel shall confirm with Plaintiff's institution of confinement that arrangements have been made for Plaintiff's attendance.
- 5. The Clerk of Court is directed to serve a copy of this order and a copy of Plaintiff's request for extension of time (ECF No. 48) on Supervising Deputy Attorney General Monica Anderson, the Executive Director of DSH - Coalinga, and the Litigation Coordinator at DSH – Coalinga.

IT IS SO ORDERED.

Dated: June 11, 2018

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE