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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

OBIE LEE CRISP, III,  
Plaintiff,  
v.  
WASCO STATE PRISON, et al.,  
Defendants.

1:13-cv-01899-AWI-SKO (PC)  
ORDER DENYING PLAINTIFF'S MOTIONS  
FOR STAY OF ACTION AND TO EXTEND  
TIME TO FILE OPPOSITION TO  
DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT AS UNNECESSARY  
(Docs. 43, 45)

Plaintiff is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. On December 28, 2015, Defendants filed a motion for summary judgment contending Plaintiff failed to exhaust available administrative remedies on the issues raised in this action before he filed suit. (Doc. 34.) That same day, Defendants filed a motion for protective order to stay this action other than on the issues of exhaustion raised in their motion. (Doc. 35.) On January 12, 2016, Plaintiff filed a motion seeking a ninety-day extension of time to file his opposition to Defendants' summary judgment motion and for appointment of counsel. (Doc. 38.)

On January 13, 2016, three orders issued: (1) granting the ninety-day extension of time Plaintiff sought to file his opposition to Defendants' motion for summary judgment (Doc. 40); (2) denying the request for appointment of counsel (Doc. 39); and (3) informing Plaintiff of the requirements to adequately oppose Defendants' motion for summary judgment (Doc. 41). On January 14, 2016, Defendants' motion staying the action other than as related to the issue of exhaustion and their motion for summary judgment was granted. (Doc. 42.)

1 On January 20, 2016, Plaintiff filed a motion (Doc. 43) to submit recently discovered  
2 information in support of his January 12, 2016, (Doc. 38), motion for an extension of time to file  
3 his opposition to Defendants' motion for summary judgment and for appointment of counsel. On  
4 January 25, 2016, Plaintiff filed a further motion for a stay in this action, or alternatively for a  
5 ninety-day extension of time to file his opposition to Defendants' motion for summary judgment.  
6 (Doc. 45.)

7 Plaintiff has been previously granted a ninety-day extension of time to file an opposition  
8 to Defendants' motion for summary judgment and currently has until approximately April 13,  
9 2016, to do so. (See Doc. 40.) It is, therefore, not necessary to grant Plaintiff a further extension  
10 of time for filing his opposition to Defendants' motion for summary judgment at this time. As  
11 that deadline approaches, and if Plaintiff is able to show good cause, a further extension of time  
12 may be granted. The Court notes, however, that Plaintiff's recent motions are quite detailed and  
13 contain a number of his inmate grievances that appear related to the issues raised in this action.  
14 It, therefore, appears unlikely that Plaintiff will be able to show good cause to merit further  
15 extensions of time. Thus, Plaintiff should examine the documents he attached as exhibits to his  
16 most recent motions in light of the information in the Second Informational Order and begin  
17 working on his opposition.

18 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion to submit recently  
19 discovered information, filed on January 20, 2016, and his motion for stay or for further extension  
20 of time to file an opposition to Defendants' motion for summary judgment, filed on January 25,  
21 2016, are denied as unnecessary.

22 IT IS SO ORDERED.

23 Dated: February 17, 2016

/s/ Sheila K. Oberto  
24 UNITED STATES MAGISTRATE JUDGE  
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