

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARK S. SOKOLSKY,

Plaintiff,

vs.

STATE OF CALIFORNIA, et al.,

Defendants.

1:13-cv-02044-LJO-GSA-PC

ORDER VACATING FINDINGS AND  
RECOMMENDATIONS ENTERED ON  
SEPTEMBER 21, 2017  
(ECF No. 85.)

THIRTY DAY DEADLINE TO FILE  
OPPOSITION OR NON-OPPOSITION TO  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT

Mark S. Sokolsky (“Plaintiff”) is a civil detainee proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. On March 30, 2017, Defendants Meek, Bonsu, King, Coyne, and Porter (“Defendants”) filed a motion for summary judgment. (ECF No. 68.)

On August 17, 2017, the court issued an order requiring Plaintiff to file an opposition or statement of non-opposition to Defendants’ motion for summary judgment, within twenty days. (ECF No. 84.) The twenty-day deadline expired, and Plaintiff failed to respond to the court’s order.

On September 21, 2017, the court entered findings and recommendations, recommending that this case be dismissed for Plaintiff’s failure to comply with the court’s

1 order. (ECF No. 85.) On October 27, 2017, Plaintiff filed objections to the findings and  
2 recommendations. (ECF No. 89.) Plaintiff requests the court to not dismiss this case,  
3 explaining that “he believed Counsel Kilgore had substituted in on this case and was moving  
4 the case forward.” (Id. at 2:21-22.)

5 Based on Plaintiff’s objections, the court finds good cause to vacate the findings and  
6 recommendations of September 21, 2017, and allow Plaintiff thirty days in which to file an  
7 opposition or statement of non-opposition to Defendants’ motion for summary judgment.

8 In light of the foregoing, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations entered on September 21, 2017, are  
10 VACATED;
- 11 2. Plaintiff is GRANTED thirty days from the date of service of this order in which  
12 to file an opposition or statement of non-opposition to Defendants’ motion for  
13 summary judgment filed on March 30, 2017; and
- 14 3. Plaintiff’s failure to comply with this order may result in the dismissal of this  
15 action.

16  
17 IT IS SO ORDERED.

18 Dated: October 31, 2017

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE