1 2 3 4 5 UNITED STATES DISTRICT COURT 6 7 FOR THE EASTERN DISTRICT OF CALIFORNIA 8 9 WILLIAM BROWN. Case No. 1:13-cv-02084-AWI-BAM (PC) 10 Plaintiff, ORDER VACATING THE JANUARY 10, 2018 ORDER ADOPTING FINDINGS AND 11 RECOMMENDATIONS v. (ECF No. 63) 12 W. RASLEY. ORDER GRANTING PLAINTIFF'S MOTION 13 Defendant. FOR EXTENSION OF TIME TO FILE **OBJECTIONS TO THE FINDINGS AND** 14 RECOMMENDATIONS (ECF No. 64) 15 16 Plaintiff William Brown is a state prisoner proceeding pro se and in forma pauperis in this 17 civil rights action pursuant to 42 U.S.C. § 1983. 18 On December 12, 2017, the assigned Magistrate Judge issued findings and 19 recommendations recommending dismissal of certain claims and defendants in this case. (ECF 20 No. 53.) The findings and recommendations stated that the parties had fourteen (14) days to file 21 any written objections. (Id. at 13.) No objections were filed within the time permitted. On January 22 10, 2018, the Court adopted the findings and recommendations in full. (ECF No. 63.) 23 Currently before the Court is Plaintiff's motion for an extension of time to file objections 24 to the findings and recommendations, with a proof of service dated January 8, 2018. (ECF No. 25 64.) Plaintiff states that due to mail delays and a hospitalization, he did not receive the findings 26 and recommendations until January 3, 2018, after the deadline to file any objections had passed. 27 He then promptly mailed the instant motion requesting an extension of time to file objections. 28

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Under the circumstances, the Court finds good cause for an extension of time. Therefore, the Court will vacate its January 10, 2018 order adopting the findings and recommendations, and grant Plaintiff thirty (30) days from the date of this order to file any objections to the findings and recommendations.

Plaintiff also states that defense counsel contacted him regarding a stay that he declined, and he has attached a first set of interrogatories to the motion. He seeks for the Court to "take notice" of these issues. The Court informs the parties that, generally, discovery requests should not be filed with the Court unless they are the subject of a motion. Further, the parties need not inform the Court of rejected stipulations. No relief being requested in regard to this matter, there is no action for the Court to take at this time.

Accordingly, it is HEREBY ORDERED that:

- 1. The Court's January 10, 2018 order adopting the assigned magistrate judge's findings and recommendations (ECF No. 63) is VACATED; and
- 2. Plaintiff's motion for an extension of time to file objections to the December 12, 2017 findings and recommendations (ECF No. 64) is GRANTED and Plaintiff may file objections on or before thirty (30) days from the date of this order.

SENIOR DISTRICT JUDGE

IT IS SO ORDERED.

Dated: February 2, 2018

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