UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

GREGORY ELL SHEHEE,) Case No.: 1:14-cv-00706-DAD-SAB (PC)
Plaintiff, v. REDDING, et al., Defendants.	ORDER VACATING FINDINGS AND RECOMMENDATIONS ISSUED NOVEMBER 27, 2018, AND GRANTING PLAINTIFF THIRTY DAYS TO FILE AN OPPOSITION TO DEFENDANTS' PENDING MOTION [ECF Nos. 131, 132]

At the time this action was filed, Plaintiff Gregory Ell Shehee was a civil detainee proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 27, 2018, Defendants filed a motion for an order declaring Plaintiff a vexatious litigant. (Doc. No. 126.) Plaintiff did not file an opposition or statement of non-opposition. Local Rule 230. Accordingly, on October 31, 2018, the Court directed Plaintiff to file an opposition or statement of non-opposition within twenty-one (21) days. (Doc. No. 128.) The Court's order specifically advised Plaintiff that his failure to file an opposition or statement of non-opposition will result in a recommendation to dismiss the action for failure to prosecute and failure to obey a court order. (Id.)

On November 7, 2018, the Court's October 31, 2018, was returned by the United States Postal Office with a notation that is could not be delivered as addressed.

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	
7	۱

28

On November 8, 2018, Plaintiff filed a notice of change of address. (ECF No. 129.)_ On this same date, the Court re-served the October 31, 2018, order at Plaintiff's new address of record. On November 9, 2018, Plaintiff filed another change of address, but the address remained the same and re-service was not necessary. (ECF No. 130.) The twenty-one day deadline passed without Plaintiff either filing an opposition or statement of non-opposition. Accordingly, on November 27, 2018, the undersigned issued Findings and Recommendations recommending the action be dismissed. (ECF No. 131.) Plaintiff was granted fourteen days to file objections. (Id.)

On December 26, 2018, Plaintiff filed objections. (ECF No. 132.) In his objections, Plaintiff submits that he has been unable to respond to the Court's order due to medical circumstances and he wishes to continue to prosecute this action. (Id.) Based on Plaintiff's representations, the Court will vacate the Findings and Recommendations issued November 27, 2018, and grant Plaintiff thirty days to file an opposition to Defendants' pending motion to declare him a vexatious litigant filed on September 27, 2018. Plaintiff is advised to focus his actions on filing an opposition to Defendants' motion in order to ensure the efficient resolution of this case.

Based on the foregoing, it is HEREBY ORDERED that:

- 1. The Finding and Recommendations issued on November 27, 2018, are VACATED;
- Plaintiff is granted thirty days to file an opposition to Defendants' motion to declare
 Plaintiff a vexatious litigant; and
- 3. Plaintiff is advised the failure to comply with this order will result in a recommendation to dismiss this action.

IT IS SO ORDERED.

Dated: **December 27, 2018**

UNITED STATES MAGISTRATE JUDGE

1. 15