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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GORDON C. REID ,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

CASE NO. 1:14-cv-01163-LJO-MJS (PC)

ORDER:

- (1) GRANTING MOTION FOR EXTENSION OF TIME TO FILE OBJECTIONS (ECF No. 15);**
- (2) GRANTING IN PART AND DENYING IN PART MOTION FOR HEARING AND ADJUDICATION ON ALL OUTSTANDING MOTIONS AND OBJECTIONS (ECF No. 17);**
- (3) GRANTING MOTION TO WITHDRAW MOTION FOR EXTENSION OF TIME TO FILE AMENDED COMPLAINT (ECF No. 18); AND**
- (4) DENYING MOTION TO EXTEND TIME FOR FILING NOTICE OF APPEAL (ECF No. 19)**

I. PROCEDURAL HISTORY

Plaintiff is a federal prisoner proceeding pro se and in forma pauperis in this civil rights and tort action brought pursuant to Bivens v. Six Unknown Named Agents, 403

1 U.S. 388 (1971) and the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-2680.

2 On November 24, 2014, the Court screened Plaintiff's complaint and dismissed it
3 for failure to state a claim, but gave leave to amend. (ECF No. 13.) Thereafter, Plaintiff
4 filed several motions that are before the Court for ruling.

5 On December 15, 2014, Plaintiff filed a motion for extension of time to file an
6 amended complaint. (ECF No. 14.) Plaintiff also filed a motion for extension of time to file
7 objections. (ECF No. 15.) Thereafter, on February 2, 2015, Plaintiff filed objections to the
8 Court's screening order, seeking reconsideration by a District Judge. (ECF No. 16.)

9 On March 16, 2015, Plaintiff filed a motion for "Hearing and Adjudication on All
10 Outstanding Motions and Objections." (ECF No. 17.) He then moved to withdraw his
11 motion for extension of time to file an amended complaint. (ECF No. 18.) He also moved
12 for an extension of time to file a notice of appeal. (ECF No. 19.)

13 Plaintiff filed a notice of appeal on March 23, 2015. (ECF No. 20.) On April 13,
14 2015, his appeal was dismissed for lack of jurisdiction. (ECF No. 23.)

15 **II. MOTION FOR EXTENSION OF TIME TO FILE OBJECTIONS**

16 Plaintiff seeks an extension of time on the ground that he did not receive the
17 Court's screening order until December 1, 2014, because he was in the Special Housing
18 Unit. He wishes to object to numerous aspects of the screening order.

19 Good cause having been presented, the Court will grant Plaintiff's motion for
20 extension of time nunc pro tunc. Plaintiff's February 2, 2015 objections will be deemed
21 timely.

22 **III. MOTION FOR HEARING AND ADJUDICATION**

23 Plaintiff complains that his motions have been pending for several months.

24 The Fresno Division of the United States District Court for the Eastern District of
25 California carries one of the busiest dockets in the country. The Court is faced with
26 cases similar to Plaintiff's almost daily. There is a backlog of cases and resulting delay in
27 addressing motions.

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1 To the extent Plaintiff's motions are addressed herein, his motion for adjudication
2 will be granted. In all other respects, the motion will be denied. The District Judge will
3 address Plaintiff's objections to the screening order in due course.

4 **IV. MOTION TO WITHDRAW MOTION FOR EXTENSION OF TIME**

5 Plaintiff seeks to withdraw his motion for extension of time to file an amended
6 complaint. (ECF No. 14.) The request will be granted.

7 **V. MOTION TO EXTEND TIME TO FILE NOTICE OF APPEAL**

8 Plaintiff states that he submitted a notice of appeal on February 9, 2015, but it
9 was not filed. He therefore seeks an extension of time to file a notice of appeal.

10 Plaintiff's appeal was dismissed because the challenged order (the Court's
11 screening order) was not final or appealable. (ECF No. 23.) Because the appeal was not
12 authorized, there was no deadline for Plaintiff to appeal. His motion for extension of time
13 is moot and will be denied.

14 **VI. CONCLUSION AND ORDER**

15 Based on the foregoing, it is HEREBY ORDERED that:

- 16 1. Plaintiff's motion for an extension of time to file objections (ECF No. 15) is
17 GRANTED;
- 18 2. Plaintiff's time to file objections is extended nunc pro tunc to February 2,
19 2015;
- 20 3. Plaintiff's motion for hearing and adjudication on all outstanding motions
21 and objections (ECF No. 17) is GRANTED IN PART AND DENIED IN
22 PART;
- 23 4. Plaintiff's motion to withdraw motion for extension of time to file amended
24 complaint (ECF No. 18) is GRANTED;
- 25 5. Plaintiff's motion for extension of time to file an amended complaint (ECF
26 No. 14) is WITHDRAWN; and
- 27 6. Plaintiff's motion to extend time for filing a notice of appeal (ECF No. 19) is
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DENIED AS MOOT.

IT IS SO ORDERED.

Dated: April 27, 2015

Isl. Michael J. Seng
UNITED STATES MAGISTRATE JUDGE