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7 **UNITED STATES DISTRICT COURT**

8 EASTERN DISTRICT OF CALIFORNIA

9 DAVID TOWNSEL,

10 Plaintiff,

11 vs.

12 MADERA COUNTY DEPARTMENT OF  
13 CORRECTIONS, et al.

14 Defendants.

Case No. 1:15-cv-00652-BAM (PC)

ORDER DENYING PLAINTIFF'S THIRD  
MOTION FOR EXTENSION OF TIME TO  
FILE OBJECTIONS TO FINDINGS AND  
RECOMMENDATIONS

(ECF No. 17)

**TEN (10) DAY DEADLINE**

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18 Plaintiff David Townsel is proceeding *pro se* and *in forma pauperis* in this civil rights  
19 action pursuant to 42 U.S.C. § 1983.

20 On December 13, 2017, the Court issued findings and recommendations recommending  
21 dismissal of this action for the failure to state a claim upon which relief may be granted. (ECF  
22 No. 12.) Plaintiff was permitted fourteen (14) days to file any objections to the findings and  
23 recommendations. (*Id.* at 6.)

24 On January 3, 2018, Plaintiff moved for a ninety (90) day extension of time to file  
25 objections to the findings and recommendations due to an upcoming surgery for a defective  
26 pacemaker. (ECF No. 13.) For good cause shown, the Court granted Plaintiff's request in part,  
27 and granted him an additional forty-five (45) days to file findings and recommendations. (ECF  
28 No. 14.)

1 On February 20, 2018, Plaintiff filed a second motion seeking a six (6) to nine (9) month  
2 extension of time to file objections to the pending findings and recommendations. In support,  
3 Plaintiff cited his heart condition, which causes exhaustion and shortness of breath. Plaintiff also  
4 provided copies of medical records regarding his heart condition. Based on his filing, it appeared  
5 that he was denied the pacemaker replacement surgery he sought. (ECF No. 15).

6 On February 22, 2018, the Court found good cause for an extension of time based on  
7 Plaintiff's assertions that his heart condition makes him very tired and exhausted, and causes  
8 shortness of breath, which interferes with his ability to meet the deadline in this case. The Court  
9 warned Plaintiff that it could not hold Plaintiff's case in a state of uncertainty for several months,  
10 however, and limited his extension of time to thirty (30) days. (ECF No. 16.)

11 Currently before the Court is Plaintiff's third motion for an extension of time. In support,  
12 Plaintiff again cites his heart condition, and appears to state that he has been suffering in critical  
13 condition for two and a half years. As Plaintiff has previously been informed, the Court cannot  
14 indefinitely hold his case in abeyance. Plaintiff has been granted several prior extensions of time  
15 on the basis of his heart condition, and his objections to the pending findings and  
16 recommendations are now almost three months overdue. The Court does not find good cause for  
17 another extension at this time.

18 Accordingly, it is HEREBY ORDERED that Plaintiff's request for an extension of time  
19 is denied. Plaintiff's objections to the findings and recommendations are due within ten (10) days  
20 of the date of service of this order.

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22 IT IS SO ORDERED.

23 Dated: March 28, 2018

/s/ Barbara A. McAuliffe  
24 UNITED STATES MAGISTRATE JUDGE  
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