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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAKEITH L. MCCOY,

Plaintiff,

v.

A. HOLGUIN, C. CASILLAS, D. KING,
V. MOORE, J. GONZALES, A.
MARTINEZ, S. LOMAS, O. DELGADO,
E. BARRON,

Defendants.

Case No. 1:15-cv-00768-ADA-HBK (PC)

ORDER DIRECTING DEFENDANTS TO
RESPOND TO PLAINTIFF’S MOTION

(Doc. No. 197)

Pending before the Court is Plaintiff’s motion for an extension of time to file an opposition to defendants’ motion for summary judgment and second motion to stay proceedings including Plaintiff’s declaration filed October 3, 2022. (Doc. No. 197). Further to Plaintiff’s first motion to stay filed on July 21, 2022, Plaintiff states correctional officials transferred him to the Robert Presley Detention Center on September 6, 2022, where he will remain pending a re-sentencing hearing. (Doc. No. 197 at 1, 3). Due to his transfer, Plaintiff’s legal property, including his discovery, did not transfer with him and is currently at a “receiving and release” department for an unknown period. (*Id.* at 3, 4). Plaintiff further states he recently received notice of the order denying his motion to stay after Defendants forwarded him the copy. (*Id.* at 3). In short, Plaintiff states he cannot respond to Defendants’ summary judgment motion due to not having any of his papers related to this case and seeks an unspecified motion for an extension

1 of time or an indefinite stay of this action.

2 The current address of record for Plaintiff reflects Kern Valley State Prison, not his
3 current place of incarceration because no notice of change of address has been filed.
4 Nevertheless, the Court will direct the Clerk of Court to update Plaintiff's address of record to the
5 one reflected in Plaintiff's recent motion.

6 Because it is unclear how long Plaintiff will be held at the detention center, or when it is
7 anticipated he will receive his property, the Court will benefit from having Defendants' respond
8 to Plaintiff's motion and advise how long Plaintiff is anticipated to be held at the detention center
9 and/or when Plaintiff should anticipate to receive his legal materials he requires to file an
10 opposition to assist in setting an appropriate deadline for an opposition or considering a stay.

11 Accordingly, it is **ORDERED**:

12 1. The Clerk of Court shall update the mailing address for Plaintiff to Robert Presley
13 Detention Center 48-72, PO Box 710, Riverside California 92501.

14 2. Defendants shall respond to Plaintiff's motion for an extension of time, second motion
15 to stay (Doc. No. 197) within fourteen (14) days of the date on this Order.

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Dated: October 7, 2022

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HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE

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