

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

11 EDWA

EDWARD LUNA,

Plaintiff,

v.

DR. MOON, et al.,

Defendants.

Case No. 1:16-cv-00313-LJO-SAB (PC)

ORDER REQUIRING DEFENDANTS TO RESPOND TO PLAINTIFF'S THIRD REQUEST FOR AN EXTENSION OF TIME TO FILE OBJECTIONS TO APRIL 14, 2020 FINDINGS AND RECOMMENDATIONS

FOURTEEN DAY DEADLINE

Edward Luna ("Plaintiff"), a state prisoner, is appearing *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On April 14, 2020, findings and recommendations issued recommending granting Defendants' motion for summary judgment. (ECF No. 95.) The findings and recommendations advised the parties that objections were to be filed in thirty days. (Id.) On May 7, 2020, Plaintiff filed a motion for an extension of time to file objections that was granted. (ECF Nos. 96, 97.) On Jun 12, 2020, Plaintiff filed a motion for an extension to time to file objections that was granted. (ECF Nos. 98, 99.) In each order extending time, Plaintiff was provided with thirty additional days to file objections to the findings and recommendations and has now had ninety days to file any objection.

On July 17, 2020, Plaintiff filed a motion for an extension of time and is seeking an extension until Mule Creek Prison comes off of lock-down status and the law library resumes normal operations, which the Court interprets as a request for an indefinite stay of the action due

to the current COVID-19 pandemic and the procedures implemented in the prison to contain the spread of the virus. The Court shall require Defendants to file a response to Plaintiff's motion for an extension of time addressing Plaintiff's contention that he is unable to file an objection due to the lock down status at the prison because he does not have access to the law library.

Accordingly, IT IS HEREBY ORDERED that Defendants shall file a response to Plaintiff's motion for an extension of time to file an objection the April 14, 2020 findings and recommendations within fourteen (14) days of the date of entry of this order.

IT IS SO ORDERED.

Dated: **July 20, 2020**

UNITED STATES MAGISTRATE JUDGE