1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 PABLO HOLGUIN, Case No. 1:16-cv-00346-DAD-BAM (PC) 12 Plaintiff. ORDER GRANTING IN PART PLAINTIFF'S MOTION FOR 60-DAY EXTENSION OF 13 TIME TO FILE OPPOSITION TO v. DEFENDANT'S MOTION FOR SUMMARY 14 WICKS, **JUDGMENT** (ECF No. 65) 15 Defendant. ORDER GRANTING IN PART PLAINTIFF'S 16 MOTION FOR 60-DAY EXTENSION OF TIME TO FILE RESPONSE TO 17 **DEFENDANT'S OPPOSITION TO** PLAINTIFF'S MOTION FOR SUMMARY 18 **JUDGMENT** (ECF No. 66) 19 THIRTY (30) DAY DEADLINE 20 21 Plaintiff Pablo Holguin ("Plaintiff") is a state prisoner proceeding pro se and in forma 22 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's Fourteenth Amendment due process claim against Defendant Wicks based on the 23 alleged denial of Plaintiff's right to call an identified witness in his defense at his prison 24 disciplinary hearing. 25 26 On August 10, 2018, Plaintiff filed a motion for summary judgment. (ECF No. 61.) On August 31, 2018, Defendant filed an opposition to Plaintiff's motion, as well as his own motion 27 for summary judgment. (ECF Nos. 62, 63.) Plaintiff's reply to Defendant's opposition was 28

therefore due on or before September 10, 2018, and his opposition to Defendant's motion for summary judgment is due on or before September 24, 2018.

Currently before the Court are Plaintiff's requests for 60-day extensions of time to file his opposition and reply, filed September 20, 2018. (ECF Nos. 65, 66.) As Plaintiff has stated that he did not receive Defendant's filings until September 11, 2018, the Court will accept both motions as timely.

In his motions, Plaintiff argues that he requires additional time to file his opposition and reply because of limited access to the facility law library and its computers. Plaintiff states that he has no practical legal experience or computer training, and relies on other non-lawyer inmates for assistance in conducting legal research, brief writing, and typing. (Id.) Although Defendant has not had an opportunity to file a response, the Court finds a response is unnecessary, and the motions are deemed submitted. Local Rule 230(1).

Having considered the requests, and good cause appearing, Plaintiff's motions for extension of time, (ECF Nos. 65, 66), are HEREBY GRANTED IN PART, as follows:

- 1. Plaintiff's opposition to Defendant's motion for summary judgment, (ECF No. 63), is due within **thirty (30) days** from the date of service of this order; and
- 2. Plaintiff's reply to Defendant's opposition to Plaintiff's motion for summary judgment, (ECF No. 62), is due within **thirty (30) days** from the date of service of this order.

IT IS SO ORDERED.

Dated: September 21, 2018 /s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE