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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DENNIS WAYNE WILSON,
Plaintiff,
v.
PIERCE, et al.,
Defendants.

Case No. 1:16-cv-00479-LJO-SKO (PC)
ORDER ON PLAINTIFF'S NOTICE
(Doc. 14)
THIRTY DAY DEADLINE

Plaintiff, Dennis Wayne Wilson, was a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This action was closed on April 4, 2017, on a finding that it was barred by the statute of limitations as well as *Heck v. Humphrey*, 512 U.S. 477 (1994) and *Edwards v. Balisok*, 520 U.S. 641 (1997). (See Docs. 10-13.)

On July 5, 2017, Plaintiff filed a notice indicating that he did not receive the order to show cause (Doc. 10) and findings and recommendation (Doc. 11) until June 26, 2017, as they had apparently fallen behind the desk where letters are placed in the Los Angeles County Central Jail where he was housed since August 22, 2016. (Doc. 14.) Plaintiff apologizes for not responding to either of these orders and requests an opportunity to do so. (*Id.*)

Plaintiff's lack of response to the dispositive findings in this case appears to have been caused by circumstances beyond his control. Thus, his request to be given opportunity to respond is reasonable. However, given that this action was dismissed based on statute of limitation grounds and because it appears to raise claims that are barred by *Heck* and *Edwards*, judgment

1 will not be set aside at this time. Instead, Plaintiff may file a response addressing whether the
2 claims he raised in this action are barred by the statute of limitations and *Heck* and *Edwards*
3 which shall be considered under Rules 59 and 60 of the Federal Rules of Civil Procedure.

4 Accordingly, it is **HEREBY ORDERED** that, within **thirty (30) days** of the date of
5 service of this order, Plaintiff may file a response to the order to show cause and the subsequent
6 orders that resulted in a dismissal of this action.

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8 IT IS SO ORDERED.

9 Dated: July 7, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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