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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JONATHAN W. MUNDO,
Plaintiff,
v.
HECTOR CARMONA, et al.,
Defendants.

**Case No. 1:16-cv-01687-AWI-MJS
(PC)**

**ORDER GRANTING MOTION FOR
EXTENSION OF TIME TO FILE
OBJECTIONS TO FINDINGS AND
RECOMMENDATIONS**

(ECF No. 46)

**ORDER DENYING MOTION TO
APPOINT COUNSEL**

(ECF No. 47)

Plaintiff, a prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on November 7, 2016. (ECF No. 1.) The case proceeds on Plaintiff's first amended complaint against Defendants Alba, Archuleta, Bonffil, and Carmona. (ECF No. 16.)

I. Motion for Extension of Time

On January 26, 2018, the Court issued findings and recommendations to grant in part and deny in part Defendants' motion for summary judgment. (ECF No. 43.) The parties were given fourteen days to file objections. (*Id.*) On February 9, 2018, Plaintiff requested an additional 30 days to respond to the recommendations because he did not receive them until three days before the deadline. (ECF No. 46.) Given the delay in

1 service and considering Plaintiff's pro se status, this motion will be granted.

2 **II. Motion to Appoint Counsel for Evidentiary Hearing**

3 The Court has recommended an evidentiary hearing be held on the issue of
4 whether Plaintiff exhausted his administrative remedies before filing this suit. No such
5 hearing has yet been ordered. Plaintiff nevertheless moves to have counsel appointed for
6 the hearing. (ECF No. 47.) This motion will be denied, without prejudice, as premature.

7 **III. Conclusion**

8 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff's motion for
9 extension of time is GRANTED. Plaintiff shall file objections to the findings and
10 recommendations within 30 days of the date of this Order.

11 IT IS HEREBY FURTHER ORDERED that Plaintiff's motion to appoint counsel is
12 DENIED WITHOUT PREJUDICE.

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14 IT IS SO ORDERED.

15 Dated: February 13, 2018

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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