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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY CLEVELAND,

Plaintiff,

v.

THOMAS C. HUNTON, et al.,

Defendants.

Case No. 1:16-cv-01732-AWI-SAB

ORDER EXTENDING TIME FOR
PLAINTIFF TO FILE AN OPPOSITION TO
DEFENDANT’S MOTION TO DISMISS
AND CONTINUING HEARING DATE ON
THE SAME

(ECF No. 27)

On November 16, 2016, Plaintiff Timothy Cleveland (“Plaintiff”), proceeding pro se and in forma pauperis, filed this civil rights action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), which provides a remedy for violation of civil rights by federal actors. ECF No. 1. On March 14, 2017, Plaintiff filed a second amended complaint. ECF No. 12. The magistrate judge screened that complaint, finding that only Administrative Procedures Act claim against Defendant Hunton states a claim. ECF Nos. 13, 15.

Defendant Hunton now moves to dismiss. ECF No. 26. Plaintiff seeks an additional thirty days to file an opposition. ECF No. 37. To support his request, Plaintiff indicates that he is transient and “can only access a public library computer” to conduct research and draft his opposition. *Id.* Plaintiff’s request will be granted.

1 Based on the foregoing, IT IS HEREBY ORDERED that:

- 2 1. Plaintiff's opposition to Defendant's motion to dismiss shall be filed no later than
3 November 13, 2017;
- 4 2. Any reply by Defendant must be filed by November 23, 2017;
- 5 3. The hearing on this motion is rescheduled for November 27, 2017 at 1:30 p.m. in
6 Courtroom 2.

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8 IT IS SO ORDERED.

9 Dated: October 11, 2017



10 SENIOR DISTRICT JUDGE
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