1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 RUBEN TONY CERVANTES, Case No. 1:18-cv-00397-LJO-SAB (PC) 12 Plaintiff. ORDER GRANTING PLAINTIFF'S MOTION FOR CASE STATUS AND DENYING AS 13 MOOT PLAINTIFF'S REQUEST FOR AN v. **EXTENSION OF TIME** 14 THE WHOLE DEPARTMENT OF CORRECTIONS, et al., (ECF No. 22) 15 Defendants. 16 17 Plaintiff Ruben Tony Cervantes is a state prisoner proceeding pro se and in forma pauperis 18 in this civil rights action pursuant to 42 U.S.C. § 1983. 19 Currently before the Court is a letter from Plaintiff, filed on July 26, 2019, which the Court 20 interprets as a motion for case status and a request for extension of time. (ECF No. 22.) Plaintiff 21 requests that the Court send him the Court's last "response" and grant him an extension of time "to 22 file and research back to you" because he "went out to court" at the beginning of the year for a few months and then he was transferred to his current prison and he lost the "last response your 23 24 department sent to" him. (Id.) Initially, the Court reminds Plaintiff that, generally, the Court will not respond in writing to 25 26 individual inquiries regarding the status of a case. (ECF No. 3, at 3-4.) However, given that the 27 District Judge's February 20, 2019 order adopting the undersigned's findings and recommendations 28 and dismissing this action was returned as undeliverable since Plaintiff was "out to court[,]"

Plaintiff's motion for a case status update is granted, as follows:

On November 7, 2018, the undersigned issued findings and recommendations recommending to dismiss this action, with prejudice, for failure to state a claim upon which relief can be granted and for failure to comply with Federal Rule of Civil Procedure 8. (ECF No. 15.) On December 5, 2018 and on January 4, 2019, the undersigned granted Plaintiff's two motions for an extension of time to file objections to the findings and recommendations. (ECF Nos. 17, 19.) On February 20, 2019, after Plaintiff failed to file objections to the findings and recommendations or a third request for an extension of time, the District Judge issued an order adopting the November 7, 2018 findings and recommendations in full and dismissing the instant action, with prejudice, for failure to comply with Rule 8 and failed to state a cognizable claim upon which relief may be granted. (ECF No. 20.)

Further, with respect to Plaintiff's request for an extension of time, Plaintiff's request is denied as moot because this case was dismissed, with prejudice, on February 20, 2019. (ECF No. 20.)

Accordingly, it is HEREBY ORDERED that:

- 1. Plaintiff's motion for case status, (ECF No. 22), is GRANTED;
- 2. The Clerk of the Court is directed to re-serve the Court's February 20, 2019 order adopting the findings and recommendations and dismissing this action, with prejudice, (ECF No. 20), on Plaintiff at his new address of record; and
- 3. Plaintiff's request for an extension of time, (ECF No. 22), is DENIED as moot.

22 IT IS SO ORDERED.

Dated: **August 2, 2019**

UNITED STATES MAGISTRATE JUDGE