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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JERRY DILLINGHAM,

12 Plaintiff,

13 vs.

14 J. GARCIA, ET al.,

15 Defendants.
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1:19-00461-AWI-GSA-PC

**ORDER WITHDRAWING FINDINGS AND
RECOMMENDATIONS ISSUED ON APRIL
29, 2022**

(ECF No. 84.)

**THIRTY DAY DEADLINE TO FILE
OPPOSITION OR STATEMENT OF NON-
OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

19 Jerry Dillingham ("Plaintiff") is a former prisoner proceeding *pro se* and *in forma*
20 *pauperis* with this civil rights action filed pursuant to 42 U.S.C. § 1983.

21 On April 29, 2022, the court issued findings and recommendations to dismiss this case
22 for Plaintiff's failure to comply with the court's order requiring him to file an opposition, or
23 statement of non-opposition, to defendant Garcia's motion for summary judgment based on
24 Plaintiff's failure to exhaust administrative remedies before filing suit. (ECF No. 84.) On May
25 16, 2022, Plaintiff filed objections to the findings and recommendations. (ECF No. 85.)

26 Plaintiff alleges that he cannot read or comprehend Defendant's motion for summary
27 judgment. He requests thirty days in which to locate *pro bono* counsel to represent him and to
28 scribe a response to Defendant's motion for summary judgment

1 The court finds good cause to grant Plaintiff a thirty-day extension of time to comply with
2 the court's order. If Plaintiff needs additional time, he should file a motion before the expiration
3 of the prior deadline.

4 Therefore, good cause appearing, **IT IS HEREBY ORDERED** that:

- 5 1. The court's findings and recommendations, issued on April 29, 2022, are
6 WITHDRAWN;
- 7 2. Plaintiff is GRANTED thirty days from the date of service of this order in which
8 to file an opposition or a statement of non-opposition to Defendant's motion for
9 summary judgment;
- 10 3. If Plaintiff needs additional time to comply with the court's order, he should file
11 a motion before the expiration of the prior deadline; and
- 12 4. Plaintiff's failure to comply with this order shall result in a recommendation that
13 this action be dismissed in its entirety.

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15 IT IS SO ORDERED.

16 Dated: May 19, 2022

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE