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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KYLE PETERSEN,
Plaintiff,
v.
MEKISHA BUYARD,
Defendant.

No. 1:20-cv-00954-DAD-EPG
ORDER EXTENDING DEADLINE TO FILE
OPPOSITION TO MOTION TO DISMISS
(ECF No. 23)

Plaintiff Kyle Petersen (“Plaintiff”), a federal inmate proceeding *pro se* and *in forma pauperis* in this civil-rights action filed pursuant to 42 U.S.C. § 1983, commenced this action by filing a complaint on July 9, 2020. (ECF No. 1). On April 12, 2021, Defendant Mekisha Buyard (“Defendant”) filed a motion to dismiss. (ECF No. 23). On April 15, 2021, the Court entered findings and recommendations, recommending that this action be stayed pending completion of Plaintiff’s appeal of his criminal conviction to the Ninth Circuit Court of Appeals. (ECF No. 25).

Plaintiff’s deadline to oppose the motion to dismiss is May 6, 2021. The deadline to object to the findings and recommendations is May 10, 2021. Given that this action could soon be stayed, Plaintiff’s opposition and Defendant’s subsequent reply may be unnecessary at this time. Accordingly, the Court will *sua sponte* modify the briefing schedule for the motion to dismiss.

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Accordingly, IT IS HEREBY ORDERED that Plaintiff shall respond to Defendant's motion to dismiss (ECF No. 23) as follows:

- (1) if this action is not stayed following the district judge's ruling on the findings and recommendations, (ECF No. 25), within twenty-one days of service of the district judge's order; or
- (2) if this action is stayed following the district judge's ruling on the findings and recommendations, (*id.*), twenty-one days after the stay in the case is lifted.

IT IS SO ORDERED.

Dated: April 26, 2021

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE