

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

GUILLERMO TRUJILLO CRUZ,
Plaintiff,
v.
TREVINO, *et al.*,
Defendants.

Case No. 1:21-cv-00104-DAD-BAM (PC)

**ORDER DENYING PLAINTIFF'S SECOND
MOTION TO RETAIN CASE AS MOOT**

(ECF No. 10)

**ORDER DIRECTING CLERK OF COURT TO
UPDATE PLAINTIFF'S MAILING
ADDRESS AND RE-SERVE ECF NO. 9**

Plaintiff Guillermo Trujillo Cruz (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On January 28, 2021, the Court issued findings and recommendations recommending that Plaintiff's motion for leave to proceed *in forma pauperis* be denied. (ECF No. 5.) Plaintiff was directed to file any objections to the findings and recommendations within fourteen days. (Id.)

On February 11, 2021, Plaintiff filed a “Motion to Retain Pending Case.” (ECF No. 8.) The Court construed the motion as a request for an extension of time for Plaintiff to file his objections, and on February 16, 2021, granted an extension of thirty days. (ECF No. 9.)

Currently before the Court is Plaintiff's second motion to retain case, filed February 17, 2021. (ECF No. 10.) The motion reiterates the same arguments presented in the first motion, but the motion indicates that Plaintiff has been moved to a new institution. (Id.)

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1 As the Court has just granted Plaintiff an extension of time, the Court finds that a further
2 extension is not necessary at this time. However, as it appears Plaintiff is no longer housed at the
3 institution where the Court's February 16, 2021 order was served, the Court will direct re-service
4 of that order to the appropriate address.

5 || Accordingly, IT IS HEREBY ORDERED that:

6 1. Plaintiff's second motion for extension of time to file objections to the findings and
7 recommendations, (ECF No. 10), is DENIED as moot;
8 2. The Clerk of the Court is directed to update Plaintiff's mailing address pursuant to the
9 address provided in Plaintiff's February 17, 2021 motion; and
10 3. The Clerk of the Court is directed to serve this order and re-serve the Court's February 16,
11 2021 order, (ECF No. 9), to Plaintiff at his updated mailing address.

IT IS SO ORDERED.

Dated: **February 18, 2021**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE