IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORIO C. FUNTANILLA, JR., No. 2:02-CV-1157-JAM-CMK-P

Plaintiff,

vs. ORDER

MICHAEL JAFFE, et al.,

Defendants.

_____/

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.

On December 9, 2014, the court directed plaintiff to file a status report within 30 days. On January 16, 2015, plaintiff sought an extension of time. On February 3, 2015, the court granted plaintiff's request for additional time, extending the deadline for plaintiff's status report to 45 days from that date. In both orders, plaintiff was warned that failure to comply could result in dismissal of the entire action. As of April 27, 2015, plaintiff had neither sought additional time nor filed a status report. Consequently, the court issued findings and recommendations that this action be dismissed for lack of prosecution and failure to comply with court rules and orders.

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On May 18, 2015, plaintiff sought an extension of time to file objections to the court's April 27, 2015, findings and recommendations. On May 21, 2015, the court granted plaintiff's request, providing him an additional 30 days to file objections. Plaintiff filed objections on July 7, 2015. In his objections, plaintiff states that during the time period of February 3, 2015, through April 24, 2015, he suffered a medical condition which resulted in his being removed from his cell for medical treatment. He states further that he was separated from his legal papers during this time. Finally, plaintiff states that his health has been restored, that he has access to his legal documents, and that he is now able to file a status report.

Good cause appearing therefor, the court will vacate the April 27, 2015, findings and recommendations and provide plaintiff an additional extension of time to file a status report pursuant to the court's December 9, 2014, order.

Accordingly, IT IS HEREBY ORDERED that;

1. The findings and recommendations issued on April 27, 2015, are vacated;

2. Plaintiff shall file a status report within 30 days of the date of this order; and

3. The Clerk of the Court shall forward with this order a copy of the court's December 9, 2014, order at Doc. 236.

DATED: September 17, 2015

CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE