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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL P. MAGNAN,

Plaintiff,

No. CIV S-03-1099 GEB CKD P

vs.

M. S. EVANS, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action in 2003 seeking relief under 42 U.S.C. § 1983. Earlier this year, the magistrate judge previously assigned to this case ordered that, as plaintiff and defendants Evans and Briddle had reached a settlement, the parties would file stipulations to dismiss all remaining claims against Evans and Briddle pursuant to Rule 41(a) of the Federal Rules of Civil Procedure by September 2, 2011. (Dkt. Nos. 225, 227.)

Pending before the court is Evans’ and Briddle’s September 1, 2011 motion to be relieved of the duty to file stipulations of dismissal by September 2, 2011. (Dkt. Nos. 229, 231.) Defendants state that, due to budgetary constraints facing the State of California, they have not yet received the settlement funds owed to plaintiff pursuant to the settlement, but hope to receive such funds later this month. Defendants request that the parties not be required to file the

1 dismissal until such time as plaintiff's counsel has received the settlement check. (Dkt. No. 229.)

2 Good cause being shown, IT IS HEREBY ORDERED THAT the parties are
3 granted an extension of forty-five days from the issuance of this order to stipulate to dismissal
4 pursuant to Rule 41(a). If defendants require additional time to obtain the settlement funds, they
5 may seek an extension at that time.

6 Dated: September 12, 2011

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8 _____
9 CAROLYN K. DELANEY
10 UNITED STATES MAGISTRATE JUDGE

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