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

FRED LEON JACKSON, JR.,

Plaintiff,

No. 2:05-cv-1872 LKK JFM (PC)

vs.

DR. R.L. ANDREASEN, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. §1983. On January 14, 2009, this court issued findings and recommendations recommending dismissal of this action without prejudice due to plaintiff's failure to timely file a pretrial statement. On February 20, 2009, the district court adopted the findings and recommendations in full and dismissed the action without prejudice. Judgment was entered on the same day.

On March 2, 2009 and March 6, 2009, plaintiff filed requests for reconsideration of the dismissal of this action. Therein, plaintiff alleges that he has been denied physical access to the prison law library since his transfer back to California Medical Facility (CMF).¹ Plaintiff

¹ Plaintiff also alleges that this court ignored plaintiff's alleged problems with access to the prison law library at CMF and his requests for extension of time predicated thereon. The record in

1 seeks an order setting aside the judgment and an extension of time to file objections to this
2 court's findings and recommendations. The court construes these requests together as a motion
3 for relief from judgment pursuant to Fed. R. Civ. P. 60(b). Good cause appearing, the court will
4 grant plaintiff a period of thirty days in which to supplement his Rule 60(b) motion with (1)
5 objections to this court's January 14, 2009 findings and recommendations, including a proposed
6 pretrial statement; and (2) an opposition, if any he has, to defendants' September 26, 2009
7 motion for summary judgment. Failure to supplement the motion with these documents will
8 result in a recommendation that the motion be denied.

9 In accordance with the above, IT IS HEREBY ORDERED that:

10 1. The documents filed by plaintiff on March 2, 2009 and March 6, 2009, taken
11 together, are construed as a motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b).
12 So construed, plaintiff is granted thirty days from the date of this order to supplement the motion
13 with (1) objections to this court's January 14, 2009 findings and recommendations, including a
14 proposed pretrial statement; and (2) an opposition, if any he has, to defendants' September 26,
15 2009 motion for summary judgment. Failure to supplement the motion as directed will result in
16 a recommendation that the motion be denied.

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21 this action reflects that on November 18, 2008, plaintiff filed a notice of change of address reflecting
22 his transfer from High Desert State Prison to CMF and requesting an extension of time to file an
23 opposition to defendants' September 26, 2008 motion for summary judgment. Plaintiff's request
24 for extension of time was granted by order filed November 25, 2008. On December 8, 2008,
25 plaintiff filed a second request for extension of time to file an opposition to defendants' motion for
26 summary judgment. That request was granted by order filed December 16, 2008; in that order,
plaintiff was granted an additional forty-five days in which to file and serve his opposition to
defendants' motion for summary judgment. Plaintiff did not request any further extensions of time,
nor did he ever file an opposition to defendants' motion for summary judgment. Plaintiff is
cautioned that he is obligated to comply with the provisions of Rule 11 of the Federal Rules of Civil
Procedure and that his representations concerning this court's response to his requests for extension
of time following his return to CMF may be in violation of that rule.

