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

ERIC CHARLES RODNEY KNAPP, No. CIV S-05-2520-FCD-CMK-P
 Plaintiff,
 vs. ORDER
RODERICK HICKMAN, et al.,
 Defendants.

_____ /
Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for an extension of time to oppose defendants’ motion to dismiss (Doc. 175), filed on January 5, 2009.

On December 17, 2008, the defendants filed a Motion to Dismiss (Doc. 175). Plaintiff indicates in his motion that he has not received service of the defendants’ motion. Pursuant to the Declaration of Service by Mail the defendants filed with their motion, it appears that the motion was properly served on plaintiff at his current address. However, as plaintiff claims he did not receive it, the court will request defendants send plaintiff another copy. Plaintiff will be granted additional time to respond to the defendants’ motion.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. Plaintiff's motion for an extension of time (180) is granted;
3 2. Defendants are requested to re-served their motion to dismiss (Doc. 175)

4 on plaintiff; and

- 5 3. Plaintiff may file a response to Defendants' Motion to Dismiss within 30
6 days of the date of service of this order;

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8 DATED: January 14, 2009

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10 **CRAIG M. KELLISON**
11 UNITED STATES MAGISTRATE JUDGE
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