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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

* * *

GARY THOMAS,)	
)	
Plaintiff(s),)	2:07-cv-1249-RLH (VPC)
)	
vs.)	ORDER
)	(Extension Request #46)
J. NEVES, <i>et al.</i> ,)	
)	
Defendant(s).)	

Before the Court is Plaintiff's **Motion for Extension of Time for Filing Opposition to Defendants Motion for Summary Judgment** (#46, filed December 28, 2009).

For the reasons stated below, the Court will also consider this motion as a Motion for Reconsideration.

Defendants' filed a Motion for Summary Judgment (#38) on October 5, 2009. The opposition was due October 20, 2009, but no opposition was forthcoming. Accordingly, on November 4, 2009, this Court granted the Motion for Summary Judgment. Unfortunately, Plaintiff was being, or had been transferred to another institution, but his notice of transfer was not received until several weeks after the entry of the Order granting the Motion for Summary Judgment, and he did not have an opportunity to oppose the Defendants' motion.

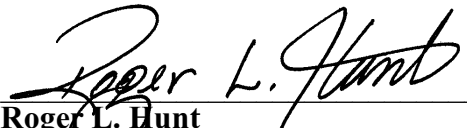
He now asks for an extension of time to file an opposition. Because there has already been an order entered, the Court will consider Plaintiff's motion to also include a motion for reconsideration of the dismissal order and grant him time to prepare a response.

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IT IS THEREFORE ORDERED that Plaintiff's Motion for Reconsideration and **Motion for Extension of Time for Filing Opposition to Defendants Motion for Summary Judgment (#46)** is granted.

IT IS FURTHER ORDERED that Plaintiff shall have 30 days from the date of this Order to file an opposition to Defendant's Motion for Summary Judgment, and Defendants shall have 14 days thereafter to file a reply.

Dated: January 7, 2010.



Roger L. Hunt
Chief United States District Judge