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

10 JOSEPH M. LEYVA,

11 Plaintiff,

No. CIV S-08-0076 LKK KJM P

12 vs.

13 MORENO, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff has requested an extension of time to file a response to defendant's
17 December 3, 2008 motion to dismiss. He has also filed a letter, suggesting that defendant has
18 not timely responded to the complaint and asking the court to issue an order to show cause to
19 defendant.

20 When a defendant waives service of process, he is entitled to the "reasonable
21 time" after the request for a waiver was mailed in which to respond to the complaint. Fed. R.
22 Civ. P. 4(d)(1)(G). In this case, the waiver was mailed on September 23, 2008 and gave
23 defendant sixty days to respond; his request for an extension of time was timely filed as was his
24 motion to dismiss. Docket Nos. 11, 12.

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1 IT IS HEREBY ORDERED that:

2 1. Plaintiff's January 5, 2009 request for an extension of time (Docket No. 20) is
3 granted;

4 2. Plaintiff is granted thirty days from the date of this order in which to file and
5 serve a response to defendant's December 3, 2008 motion to dismiss; and

6 3. Plaintiff's request for the issuance of an order to show cause (docket no. 19) is
7 denied.

8 DATED: January 14, 2009.

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10 U.S. MAGISTRATE JUDGE

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