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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK ANTHONY MORENO,  
Plaintiff,  
v.  
D. MEDINA, et al.,  
Defendants.

No. 2:08-cv-01344 JAM EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C § 1983. Currently pending before the court are two motions filed by plaintiff seeking an order compelling prison officials to give him access to his central file and medical records. ECF Nos. 138, 139. Plaintiff asks for a 30-day extension of time after he has been provided those records to file his opposition to defendant Medina’s currently-pending motion for summary judgment.

Plaintiff alleges that he has unsuccessfully attempted to obtain a review of his records because he needs such a review to oppose the summary judgment motion. Plaintiff provides no details why he currently needs to review the records in order to oppose the motion, however. Plaintiff’s case has been pending before the court since 2008. Discovery closed on September 25, 2009. ECF No. 36. On July 26, 2010, in response to a court order, defense counsel informed the

1 court that plaintiff had reviewed all eight volumes of his medical file. ECF No. 68. Several  
2 motions for summary judgment have already been adjudicated. ECF Nos. 99, 117.

3 Moreover, in the inmate appeal form plaintiff has appended to one of his motions, staff  
4 responded on May 19, 2014 that plaintiff would be allowed to review his files. ECF No. 139 at 4.  
5 It is not clear whether that review has occurred. Without any indication of how the requested  
6 records are necessary to the opposition brief and it appearing that at least some of the records  
7 have already been provided and others are in the process of being provided, the court will not  
8 order officials to provide them at this time.

9 Plaintiff has already been granted a substantial extension of time to file his opposition  
10 brief. ECF No. 136. Out of an abundance of caution, the court will grant plaintiff an additional  
11 21 days from the date of this order to file his opposition. If plaintiff is unable to file an opposition  
12 within that time, he must request another extension of time. Plaintiff is admonished, however,  
13 that the court will look upon another request to delay the resolution of the motion with disfavor.  
14 If plaintiff files another request for an extension, that request must detail the efforts he has made  
15 toward preparing his opposition brief, what records he seeks that he has not already been  
16 provided, why those records are relevant to this action, and whether (and when) a review of his  
17 records has been scheduled as indicated on the inmate appeal form.

18 Accordingly, it is hereby ORDERED that:

- 19 1. Plaintiff's requests for a court order compelling prison officials to allow him to review  
20 and copy his central file and medical records (ECF Nos. 138 and 139) are denied  
21 without prejudice; and
- 22 2. Plaintiff's request for an extension of time is granted and plaintiff has 21 days from  
23 the date of this order to file his opposition to the currently-pending motion for  
24 summary judgment.

25 DATED: August 5, 2014.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE