

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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

No. 2:08-cv-1344-JAM-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C § 1983. Plaintiff has complained that he has not been given access to his central file and medical records and has requested a 60-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. ECF Nos. 138, 139, 144. He also asks for an order compelling prison officials to provide his legal work and give him priority access to the law library and proper writing materials. ECF No. 144 at 4.

The court asked defense counsel to inquire into the location of plaintiff’s two boxes of legal papers and medical records. ECF No. 145. Counsel has responded that plaintiff refused the boxes when staff at his new facility (RJ Donovan Correctional Facility) attempted to issue them to him. ECF No. 146. According to counsel, plaintiff told staff he would not accept the boxes until he was released from Administrative Segregation, and plaintiff was scheduled to be released

1 on September 18, 2014. *Id.* Counsel also attests that plaintiff has submitted no claim of missing
2 property.

3 In light of the foregoing information, the court will grant in part plaintiff's request for an
4 extension of time and allow plaintiff 30 days from the date of service of this order to file the
5 opposition brief. The court admonishes plaintiff, however, to act diligently in preparing the
6 opposition brief for timely filing, as future requests for more time will be viewed with disfavor.
7 As the court has noted, plaintiff has already been given numerous extensions of time to file the
8 opposition. If plaintiff believes that he lacks all the information necessary to prepare the
9 opposition, he should act immediately to take steps to obtain that information. Any additional
10 requests for more time must include a detailed description of the progress plaintiff has made in
11 preparing the brief, what specific information he needs from whatever records he may seek in
12 order to present his arguments, and why he has not obtained that information.

13 If plaintiff encounters any further difficulties in obtaining access to the law library or
14 proper writing materials, he should inform the court immediately.

15 It is hereby ORDERED that plaintiff's motion for an extension of time (ECF No. 144) is
16 granted in part, and plaintiff shall have 30 days from the date of service of this order to file his
17 opposition to defendant's April 2, 2014 motion for summary judgment.

18 DATED: October 15, 2014.

19 
20 EDMUND F. BRENNAN
21 UNITED STATES MAGISTRATE JUDGE
22
23
24
25
26
27
28