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

THOMAS JOHN HEILMAN,

Plaintiff,

No. CIV S-08-2788 FCD EFB P

vs.

VOJKUFKA<sup>1</sup>,

Defendant.

ORDER

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Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He requests a stay of defendant’s August 2, 2010 motion for summary judgment or an extension of time to file and serve an opposition that motion, which was filed during the 60-day extension provided by the court for limited discovery in its order of July 26, 2010 pursuant to an earlier court order granting defendant an extension of time to file a summary judgment motion. *See* Fed. R. Civ. P. 6(b); Dckt. Nos. 37 (order granting defendant 14 days from July 16, 2010 to file a motion for summary judgment), 38 (order granting plaintiff 60 days from July 26, 2010 for limited discovery).

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<sup>1</sup> The court has been informed by the parties that the correct spelling of defendant’s name is “Vojkufka.” Accordingly, the court will grant plaintiff’s August 11, 2010 request to correct the spelling of defendant’s name on the caption. Dckt. No. 44.

1 Due to the extended discovery deadline, which expires on September 24, 2010, the court  
2 will grant plaintiff's August 18, 2010 request for an extension of time. Plaintiff shall have 30  
3 days from the expiration of the September 24, 2010 discovery deadline to file and serve to file an  
4 opposition to the motion for summary judgment. A stay is thus currently unnecessary, and  
5 plaintiff's request for a stay will accordingly be denied without prejudice.

6 Plaintiff also indicates in his motion for stay that he objects to defendant's use of his  
7 medical information in the motion for summary judgment. Plaintiff has filed a motion to  
8 prohibit defendant's use of such information. Dckt. No. 46. The court defers any determination  
9 on the appropriateness of defendant's use of plaintiff's medical information until it has received  
10 defendant's opposition or statement of no opposition to plaintiff's motion in accordance with  
11 Local Rule 230(1).

12 Accordingly, it is here by ORDERED that:

13 1. Plaintiff's August 18, 2010 motion for extension of time (Docket No. 47) is granted,  
14 and plaintiff shall have until October 25, 2010 to file an opposition to defendant's August 2,  
15 2010 motion for summary judgment;

16 2. Plaintiff's August 10, 2010 and August 11, 2010 motions to stay defendant's August  
17 2, 2010 motion for summary judgment (Docket Nos. 43 and 45) are denied without prejudice;

18 3. Plaintiff's August 11, 2010 motion to correct the spelling of defendant's name  
19 (Docket No. 44) is granted, and the Clerk of the Court is directed to correct the spelling of  
20 defendant's name to "Vojkufka" on the docket.

21 DATED: September 2, 2010.

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23 EDMUND F. BRENNAN  
24 UNITED STATES MAGISTRATE JUDGE  
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