

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 BILL J. LACEY,

11 Plaintiff,

No. 2:09-cv-0357 JFM (PC)

12 vs.

13 DOMINGUEZ, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is a state prisoner proceeding pro se with a civil rights complaint
17 pursuant to 42 U.S.C. § 1983. On August 24, 2009, plaintiff filed a motion for entry of default
18 against defendants. However, court records confirm that defendants executed waivers of service
19 which granted them sixty days from June 26, 2009 in which to file a responsive pleading. On
20 August 26, 2009, defendants filed a timely motion to dismiss. Accordingly, plaintiff's motion
21 for default will be denied.

22 Plaintiff has also requested an extension of time to file a response to defendants'
23 August 26, 2009 motion to dismiss. Local Rule 78-230(m) provides that plaintiff's response to
24 defendants' motion to dismiss would be due September 16, 2009. Good cause appearing,
25 plaintiff will be granted an additional thirty days in which to file an opposition. Plaintiff is
26 cautioned, however, that no further extensions of time will be granted.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's August 24, 2009 motion for default (#29) is denied;

2. Plaintiff's September 4, 2009, motion for an extension of time (#31) is granted;

and

3. Plaintiff is granted up to and including October 16, 2009, in which to file and serve a response to defendants' August 26, 2009, motion to dismiss. Defendants' reply, if any, shall be filed seven days thereafter.

DATED: September 11, 2009.


UNITED STATES MAGISTRATE JUDGE

/kly;001
lace0357.36(2)