

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

BILL J. LACEY,

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

VS.

DOMINGUEZ, et al.,

**Defendants. ORDER**

Plaintiff is a state prisoner proceeding pro se with a civil rights complaint  
2 U.S.C. § 1983. On August 24, 2009, plaintiff filed a motion for entry of default  
plaintiffs. However, court records confirm that defendants executed waivers of service  
and them sixty days from June 26, 2009 in which to file a responsive pleading. On  
09, defendants filed a timely motion to dismiss. Accordingly, plaintiff's motion  
will be denied.

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

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff's August 24, 2009 motion for default (#29) is denied;  
3 2. Plaintiff's September 4, 2009, motion for an extension of time (#31) is granted;

4 and

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

8 DATED: September 11, 2009.

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11 UNITED STATES MAGISTRATE JUDGE  
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