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

GREGORY V. BALDWIN,

Plaintiff,

No. CIV S-09-0711 WBS GGH P

vs.

CDCR, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. By order, filed on December 10, 2009, defendants’ request for a stay of this action pending resolution of plaintiff’s interlocutory appeal was granted. Judge Shubb therein granted defendants fourteen days following the Ninth Circuit’s ruling on the interlocutory appeal to file a responsive pleading. On December 27, 2010, plaintiff filed a “motion to move forward,” noting that he had voluntarily dismissed his appeal because he had since been transferred to another prison, the relief he had been seeking in appealing the district court’s denial of his request for emergency injunctive relief. The order of the Ninth Circuit granting plaintiff’s motion for voluntary dismissal of the interlocutory appeal was filed on November 29, 2010. Therefore, pursuant to Judge Shubb’s order, defendants’ responsive pleading was due on December 13, 2010, plus pursuant to Fed. R. Civ. P. 6(d), three days, or by

1 no later than December 16, 2010. Defendants have not filed a responsive pleading.

2 Accordingly, IT IS ORDERED that:

3 1. The stay of this matter is lifted, nunc pro tunc, and pursuant to the court's order
4 filed on December 10, 2009, as of November 29, 2010;

5 2. Defendants must show cause within seven days for their failure to comply with
6 the court's order filed on December 10, 2009, and must also file any responsive pleading within
7 that time;

8 3. Plaintiff's "motion to move forward," filed on December 27, 2010 (docket #
9 52), is vacated as moot.

10 DATED: January 5, 2011

11 /s/ Gregory G. Hollows

12 UNITED STATES MAGISTRATE JUDGE

13 GGH:009
14 bald0711.ord