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

ANTHONY WILLIAMS,

Plaintiff,

No. 2:09-cv-3160 KJN P

vs.

SULLIVAN,

Defendant.

ORDER

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding without counsel. On March 4, 2013, the court ordered plaintiff to file his pretrial statement within twenty-one days. Pending before the court is plaintiff's motion for a thirty day extension of time to file his pretrial statement. The motion is court stamped as filed on April 1, 2013. Plaintiff signed his motion on March 18, 2013. Because the motion does not contain a proof of service, the court cannot determine when it was filed pursuant to the mailbox rule. However, because plaintiff signed the motion March 18, 2013, it will be deemed timely filed.

Plaintiff alleges that the prison facility in which he is incarcerated is on lockdown. Due to the lockdown, he does not have law library access and cannot prepare his pretrial statement. Good cause appearing, plaintiff's motion for an extension of time to file his pretrial statement is granted.


1           On April 2, 2013, defendant filed a motion to dismiss on grounds that plaintiff  
2 failed to file his pretrial statement in accordance with the March 4, 2013 order. Because plaintiff  
3 filed a timely motion for extension of time to file his pretrial statement, defendant's motion to  
4 dismiss is denied.

5           Accordingly, IT IS HEREBY ORDERED that:

6           1. Plaintiff's motion for extension of time (Dkt. No. 75) is granted; plaintiff's  
7 pretrial statement is due within thirty days of the date of this order; defendant's pretrial statement  
8 is due fourteen days thereafter;

9           2. Defendant's motion to dismiss (Dkt. No. 74) is denied.

10 DATED: April 4, 2013

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13 KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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