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

CLINTON WAGNER,

Plaintiff,

No. 2: 09-cv-3166 KJM KJN P

vs.

MOSS POSNER, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for an extension of time to file an opposition to defendants’ summary judgment motion and plaintiff’s motion to modify the scheduling order.

In both motions, plaintiff claims that when he was (apparently) recently placed in administrative segregation, correctional officers destroyed his complaint, exhibits and evidence related to the instant action. Plaintiff now requests a 270 day extension of time to respond to defendants’ summary judgment motion filed May 6, 2011, so that he may recreate his legal files

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1 regarding this case.¹


2 Because of the lengthy extension of time plaintiff seeks, defense counsel is
3 directed to inform the court of the status of plaintiff's access to his legal materials related to this
4 action.

5 Accordingly, IT IS HEREBY ORDERED that within twenty-one days of the date
6 of this order, defense counsel shall inform the court of the status of plaintiff's access to his legal
7 materials related to this action.

8 DATED: June 30, 2011

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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25 ¹ In his pending motions, plaintiff also requests an extension of time in order to obtain
26 affidavits from witnesses and to conduct additional discovery. The court will address these
requests following receipt of defendants briefing addressing plaintiff's access to his legal
materials.