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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	SHEPARD JOHNSON,
11	Plaintiff, No. CIV S-10-1968 GEB GGH PS
12	VS.
13	CHESTER MITCHELL, et al.,
14	Defendants. ORDER
15	
16	Plaintiff has filed a motion for extension of time to respond to three motions to
17	dismiss and to serve defendant Parsons with process by publication. The record indicates that
18	there is only one motion to dismiss currently scheduled for hearing on April 19, 2012. ¹
19	Defendant Parsons filed a motion to dismiss on March 29, 2012, which has not been noticed for
20	hearing. In that motion, defendant Parsons has waived formal service of process.
21	Plaintiff's request will cause this two year old action, which has still not
22	progressed beyond the pleading stages, to be delayed even further. While plaintiff should be
23	afforded a reasonable opportunity to litigate his claims, defendants have rights also, including the
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25	¹ Other motions to dismiss may have been filed, but were not set for hearing. Those defendants who desire to have motions to dismiss heard must file a notice of motion which sets

²⁶ the matter on the court's calendar. 1

1	right not to be engaged in a lawsuit for an interminable length of time. Furthermore, plaintiff
2	must have known of his impending shoulder surgery in advance of its occurrence, and could have
3	planned accordingly.
4	Accordingly, IT IS HEREBY ORDERED that: Plaintiff's March 27, 2012 motion
5	for an extension of time, (dkt. no.180), is denied.
6	DATED: March 30, 2012
7	/s/ Gregory G. Hollows UNITED STATES MAGISTRATE JUDGE
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