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

DYKE EDWARD NELSON,

Plaintiff,

No. 2:10-CV-2156 MCE JFM P

vs.

DR. ALEX ZIGA,

Defendants.

ORDER

\_\_\_\_\_/

Plaintiff has filed a document styled as a motion to hold these proceedings in abeyance pending his transfer to Atascadero State Hospital (ECF No. 73). On April 29, 2013, the assigned District Court granted defendant’s motion for summary judgment. (ECF No. 66.) Judgment was entered on the same date. (ECF No. 67.) On May 9, 2013, plaintiff filed a motion for relief from the judgment pursuant to Federal Rule of Civil Procedure 60(b). (ECF No. 69.) On August 16, 2013, this court issued findings and recommendations recommending that the 60(b) motion be denied. (ECF No. 73.) On September 9, 2013, plaintiff filed a notice of change of address and motion for extension of time. (ECF No. 74.)

Good cause appearing, the court construes plaintiff’s motion to hold these proceedings in abeyance as a first motion for extension of time to file objections to the undersigned’s August 16, 2013 findings and recommendations. So construed, both motions for extension of time will be granted.

1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Plaintiff's August 28, 2013 motion to hold these proceedings in abeyance (ECF  
3 No. 73) is construed as a motion for extension of time to file objections to the August 16, 2013  
4 findings and recommendations and, so construed, is granted;

5 2. Plaintiff's September 9, 2013 motion for extension of time (ECF No. 74) is  
6 granted; and

7 2. Plaintiff is granted forty-five days from the date of this order in which to file  
8 and serve objections to the undersigned's August 16, 2013 findings and recommendations which  
9 recommended that plaintiff's 60(b) motion be denied.

10 DATED: September 18, 2013.

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13 DALE A. DROZD  
14 UNITED STATES MAGISTRATE JUDGE

14 DAD:12  
15 nels2156.ext