

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARTIN WARE,	No. 2:12-cv-1505 TLN KJN P
Plaintiff,	
v.	<u>ORDER</u>
M. McDONALD, et al.,	
Defendants.	

Defendants have filed a motion for extension of time to respond to plaintiff's third amended complaint. Good cause appearing, defendants' motion is granted.

On December 13, 2013, plaintiff filed a motion for reconsideration, asking the court to grant his November 22, 2013 motion for reconsideration, and inquiring as to the status of his notice of submission of documents for service of process on defendants. However, on December 3, 2013, plaintiff's November 22, 2013 motion for reconsideration was denied as untimely. The court received plaintiff's documents for service of process, and on October 17, 2013, the U.S. Marshal was ordered to serve defendants. Although the U.S. Marshal has not yet filed a return of service, it appears from defendants' December 20, 2013 filing that all defendants have either been served or waived service of process. Therefore, plaintiff's December 13, 2013 motion is moot and is denied.

////

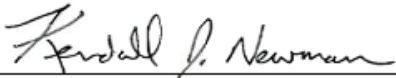
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, IT IS HEREBY ORDERED that:

1. Defendants' motion for an extension of time (ECF No. 55) is granted;
2. Defendants shall respond to plaintiff's third amended complaint on or before January 10, 2014; and
3. Plaintiff's motion (ECF No. 54) is denied.

Dated: December 27, 2013

/ware1505.eot


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE