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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ROBERT BENYAMINI,

12 Plaintiff,

13 v.

14 M. BLACKBURN, et al.,

15 Defendants.
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No. 2:13-cv-0205 MCE AC P


ORDER

17 Plaintiff is a former state prisoner proceeding pro se with a civil rights action pursuant to
18 42 U.S.C. § 1983. Plaintiff has filed a motion to strike defendants' objections to the findings and
19 recommendations as untimely. ECF No. 105. Pursuant to this court's order, objections to the
20 findings and recommendations were due within fourteen days after service of the findings and
21 recommendations. ECF No. 103. Because the deadline was based on the date of service,
22 defendants had an additional three days added to their deadline. Fed. R. Civ. P. 6(d). Seventeen
23 days from the date of the court's findings and recommendations was Sunday, April 9, 2017.
24 However, since defendants' deadline fell on a Sunday, the deadline continued to the following
25 day, Monday April 10, 2017. Fed. R. Civ. P. 6(a)(1)(C). Defendants' objections to the findings
26 and recommendations were filed on Monday, April 10, 2017, and therefore were timely.
27 Accordingly, plaintiff's motion to strike is denied.

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1 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to strike defendants'
2 objections to the findings and recommendations (ECF No. 105) is denied.

3 DATED: April 28, 2017

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5 ALLISON CLAIRE
6 UNITED STATES MAGISTRATE JUDGE
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