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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY E. WALKER,
Plaintiff,
v.
MOHADJER, et al.,
Defendants.

No. 2:13-cv-1193 WBS AC P

ORDER

Plaintiff is a former¹ state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. On June 13, 2016, the court granted plaintiff an additional thirty days to file his opposition to defendants’ February 25, 2016 motion for summary judgment. The court warned plaintiff that absent extraordinary circumstances, no additional extensions of time would be granted. ECF No. 117.

On June 20, 2016, plaintiff requested an additional thirty days to file his opposition. ECF No. 118. Plaintiff entitled his request “motion for extension of time request notes [*sic*] extraordinary circumstances,” and asserted that he requires an extension because he “needs more time to go through legal documents.” Id.

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¹ Plaintiff currently resides at Coalinga State Hospital. ECF No. 116.

1 On June 24, 2016, plaintiff filed a motion for an injunction and temporary restraining
2 order. ECF No. 119. On July 29, 2016, plaintiff filed a motion explaining that the temporary
3 restraining order had been filed in the wrong case and requesting that the motion be forwarded to
4 Fresno Division of the United States District Court for the Eastern District of California, for filing
5 as a new case. See ECF No. 120. To date, plaintiff has not filed his opposition to defendants'
6 pending summary judgment motion.


7 In his request for an extension of time, plaintiff asserts that he requires an extension
8 because he "needs more time to go through his legal documents." ECF No. 118. Considering
9 that plaintiff has had more than five months to prepare his opposition to defendants' motion for
10 summary judgment, these circumstances do not appear to be extraordinary. However, in light of
11 plaintiff's pro se status, and in an extreme abundance of caution, the court will grant plaintiff **one**
12 **final opportunity** to file his opposition.

13 **Plaintiff must file his opposition, or a statement of non-opposition, within fourteen**
14 **(14) days from the date of service of this order.** Defendants' reply, if any, shall be due within
15 seven days thereafter. **If plaintiff fails to file his opposition, defendants' motion for summary**
16 **judgment will be deemed unopposed, and the matter submitted.**

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

- 18 1. Plaintiff's motion for an extension of time (ECF No. 118) is granted.
- 19 2. Plaintiff is granted fourteen (14) days from the date of service of this order to file and
20 serve his opposition to defendants' motion for summary judgment. Defendants' reply,
21 if any, shall be due within seven (7) days thereafter.
- 22 3. Plaintiff's motion to correct his temporary restraining order (ECF No. 120) is granted.
- 23 4. The Clerk of the Court is directed to file plaintiff's motion for a temporary restraining
24 order (ECF No. 119) as a new action in the Fresno Division of the United States
25 District Court for the Eastern District of California.

26 DATED: August 1, 2016

27 
28 ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE