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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

YUJUAN L. BANKS, JR.,  
Plaintiff,  
v.  
U.C. REGENTS, et al.,  
Defendants.

No. 2:14-cv-00460 TLN KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On February 12, 2016, the magistrate judge recommended that Defendants' summary judgment motion be granted. (ECF No. 64.) On March 4, 2016, the magistrate judge granted Plaintiff until April 26, 2016, to file his objections to the findings and recommendations. (ECF No. 66.)

Plaintiff did not file objections on or before April 26, 2016. On May 9, 2016, the undersigned adopted the findings and recommendations after reviewing the record (ECF No. 67), and judgment was entered. (ECF No. 68.)

On May 9, 2016, Plaintiff filed objections to the findings and recommendations. (ECF No. 70.) The proof of service indicates that Plaintiff mailed his objections on April 26, 2016. (Id.) Pursuant to the mailbox rule, the objections are deemed timely filed. Accordingly, judgment is vacated and Defendants are granted fourteen days to file a reply to the objections.

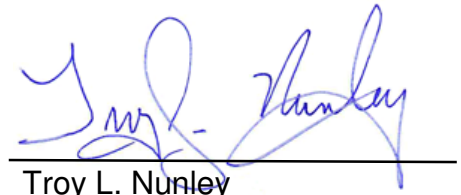
1 After that time, the findings and recommendations will be re-submitted for review.

2 On May 9, 2016, Plaintiff filed a motion to continue Defendants' summary judgment  
3 motion on grounds that Plaintiff requires additional discovery. (ECF No. 69.) Plaintiff has had  
4 adequate opportunity to conduct discovery. Accordingly, this request is denied. See Fed. R. Civ.  
5 P. 56(d).

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The May 9, 2016 order and judgment (ECF Nos. 67, 68) are vacated;
- 8 2. Plaintiff's objections (ECF No. 70) are deemed timely filed; Defendants are granted  
9 fourteen days to file a reply to Plaintiff's objections;
- 10 3. Plaintiff's motion to continue Defendants' summary judgment motion (ECF No. 69) is  
11 denied.

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13 Dated: May 25, 2016

  
Troy L. Nunley  
United States District Judge

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