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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES DAVID LOGAN, II,

Plaintiff,

v.

EVALYN HORWITZ, et al.,

Defendants.

No. 2:15-cv-0121 MCE AC P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On October 16, 2017, defendants filed their motion for summary judgment. ECF No. 135. Plaintiff then filed a notice of change of address in which he stated he had been without law library access, but planned to respond to the motion once he was transferred to R.J. Donovan. ECF No. 138. By order filed November 16, 2017, the court construed the notice as a motion for extension of time and granted petitioner an additional thirty days to respond to the motion for summary judgment. ECF No. 139. After the thirty days passed without any response from plaintiff, he was given an additional twenty-one days to respond to the motion and warned that failure to file a response would result in a recommendation that this action be dismissed for failure to prosecute. ECF No. 140. Plaintiff has now filed a request for the status of his case and stated that he needs a change of address documented. ECF No. 141.

Plaintiff is advised that he must respond to defendants' motion for summary judgment or

1 the undersigned will recommend dismissal of this action. In light of plaintiff assertion that he has
2 not had any law library access, the court will extend the current deadline for a response.
3 However, plaintiff is cautioned that further extensions of time will not be granted absent a
4 showing of extraordinary circumstances and if he fails to respond to the motion in the time
5 provided, the undersigned will recommend dismissal for failure to prosecute without further
6 discussion.

7 With respect to plaintiff's request that his address be updated, he has not provided a new
8 address and the California Department of Corrections and Rehabilitation's inmate locator shows
9 that he is still housed at R.J. Donovan. Without further information from plaintiff, the court is
10 unable to update his address.

11 Accordingly, IT IS HEREBY ORDERED that plaintiff shall have thirty days from service
12 of this order to respond to defendants' motion for summary judgment. No further extensions of
13 time will be granted absent a showing of extraordinary circumstances and failure to respond will
14 result in a recommendation that this action be dismissed for failure to prosecute.

15 DATED: January 11, 2018

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18 ALLISON CLAIRE
19 UNITED STATES MAGISTRATE JUDGE
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