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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD JOSEPH CRANE,
Plaintiff,
v.
RODRIGUEZ, et al.,
Defendants.

No. 2:15-cv-0208 TLN KJN P

ORDER

On September 14, 2015, plaintiff filed a motion for injunctive relief. On September 22, 2015, the undersigned recommended that plaintiff’s motion be denied. On October 29, 2015, the district court adopted the findings and recommendations and denied plaintiff’s motion for injunctive relief.

On November 2, 2015, plaintiff’s request for extension of time to file objections to the findings and recommendations was entered on the court’s docket as filed on October 30, 2015. However, plaintiff’s request for extension was dated October 20, 2015. “[T]he Houston mailbox rule applies to § 1983 complaints filed by pro se prisoners.” Douglas v. Noelle, 567 F.3d 1103, 1109 (9th Cir. 2009), citing Houston v. Lack, 487 U.S. 266, 275-76 (1988). Thus, under the mailbox rule, plaintiff’s request for extension of time was submitted on October 20, 2015. However, plaintiff sought an extension of time two days before the filing deadline based on work he was preparing for other cases. Plaintiff is advised that he is required to diligently prosecute

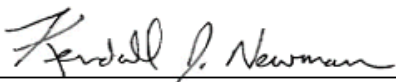
1 this case despite ongoing deadlines in other cases. In an abundance of caution, plaintiff is granted
2 thirty days in which to file objections to the September 22, 2015 findings and recommendations,
3 at which time the district court will reconsider the October 29, 2015 order. No further extensions
4 of time will be granted. If no objections are timely filed, the October 29, 2015 order will stand.

5 On November 4, 2015, plaintiff filed a duplicate motion for protective order. In his
6 request for extension of time, plaintiff expressed concern that his earlier motion may have been
7 destroyed by prison staff, and was unsure whether the court received the motion. However,
8 plaintiff's motion was received on October 13, 2015, and was denied on October 20, 2015.
9 Plaintiff is cautioned that he should not resubmit motions as they congest the case docket and
10 usurp limited judicial resources. Plaintiff should allow the court sufficient time to review and
11 rule on motions. Plaintiff is cautioned that a litigant proceeding in forma pauperis may suffer
12 restricted access to the court where it is determined that he has filed excessive motions in a
13 pending action. DeLong v. Hennessey, 912 F.2d 1144 (9th Cir. 1990); see also Tripati v.
14 Beaman, 878 F2d 351, 352 (10th Cir. 1989). Plaintiff's motion is denied as duplicative of the
15 October 13, 2015 motion.

16 Good cause appearing, IT IS HEREBY ORDERED that:

- 17 1. Plaintiff's October 30, 2015 motion for an extension of time (ECF No. 28) is partially
18 granted;
- 19 2. Plaintiff is granted thirty days from the date of this order in which to file objections to
20 the September 22, 2015 findings and recommendations;
- 21 3. No further extensions of time to file such objections will be granted; and
- 22 4. Plaintiff's motion for protective order (ECF No. 30) is denied as duplicative of the
23 October 13, 2015 motion.

24 Dated: November 10, 2015

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26 _____
27 KENDALL J. NEWMAN
28 UNITED STATES MAGISTRATE JUDGE

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