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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL J. MITCHELL,
Plaintiff,
v.
SNOWDEN, et al.,
Defendants.

No. 2:15-cv-1167 TLN AC P

ORDER

Plaintiff has filed a statement informing the court that he remains assigned to a Mental Health Crisis Bed unit, without access to pen and paper, and has also recently had surgery and therefore cannot write. Plaintiff attaches, presumably for reference, a copy of the Notice of Electronic Filing of this Court’s August 10, 2016 Order (ECF No. 29) granting plaintiff an extension of time to file objections to pending Findings and Recommendations (ECF No. 23). Although the instant filing might reasonably be construed as a request for further extension of time, plaintiff gives no indication of the expected duration of his current circumstances. Accordingly, it is impossible for the court to determine how much of an extension plaintiff may be seeking.


Detailed legal arguments are not necessary in order for plaintiff to object to Findings and Recommendations. Moreover, review of the June 10, 2016 Findings and Recommendations in this case (ECF No. 23) demonstrates that the undersigned’s recommendation this action be

1 dismissed with prejudice is mandated by applicable legal principles based on undisputed facts.
2 There are no foreseeable grounds upon which plaintiff can reasonably refute the pertinent facts or
3 dispute the binding legal authority. Nonetheless, in order to protect plaintiff's rights, secure
4 independent review by the assigned district judge, and preserve issues for appeal, the court will
5 construe plaintiff's recent submission as an objection to the recommendation that this action be
6 dismissed with prejudice, and to any and all findings and fact and conclusions of law on which
7 that recommendation is based. Plaintiff need take no further action in order for his objections to
8 be considered. The district court will consider the arguments that plaintiff has previously made
9 regarding the statute of limitations, and will review the issue *de novo*.

10 Accordingly, IT IS HEREBY ORDERED that:

11 Plaintiff's status report, ECF No. 30, is construed as an objection to the magistrate judge's
12 recommendation that this action be dismissed with prejudice (ECF No. 23), and to any and all
13 findings and fact and conclusions of law on which that recommendation is based.

14 DATED: September 14, 2016

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16 ALLISON CLAIRE
17 UNITED STATES MAGISTRATE JUDGE
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