

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN HARDNEY,
Plaintiff,
v.
R. WARREN, *et al.*,
Defendants.

Case No. 2:16-cv-00172-KJM-JDP (PC)

ORDER

Plaintiff has filed two motions: one seeks the return of his legal materials and the other seeks additional time to file objections to the July 31, 2023 findings and recommendations. ECF Nos. 167 & 169. Plaintiff claims that he cannot file objections without his legal materials. Good cause appearing, plaintiff’s motion for an extension of time will be granted. ECF No. 169.

Plaintiff argues that when he was transferred between prisons, most recently to Mule Creek State Prison (“MCSP”), his legal materials did not come with him. ECF No. 167. The custodians of those resources are not, as best I can tell, parties to this case. Thus, I will not grant plaintiff’s motion. Plaintiff may, however, show this order to the appropriate officials at his institution and remind them that he is engaged in active litigation. Additionally, I will direct that a copy of this order be sent to the litigation coordinator at MCSP.

Accordingly, it is hereby ORDERED that:

1. Plaintiff’s motion for an extension of time, ECF No. 169, is granted.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 2. Plaintiff is granted until October 23, 2023, to file objections to the July 31, 2023 findings and recommendations.
- 3. Absent extraordinary circumstances, no further extensions of time will be granted.
- 4. Plaintiff's motion for the return of his legal materials, ECF No. 167, is denied.
- 5. The Clerk of Court is directed to send a copy of this order to the litigation coordinator at Mule Creek State Prison.

IT IS SO ORDERED.

Dated: October 3, 2023



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE