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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ROBERT WILLIAM TUNSTALL, JR.,  
Plaintiff,  
v.  
JOSEPH BICK, et al.,  
Defendants.

No. 2:16-CV-2604-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court are: (1) plaintiff’s motion seeking a postponement of any obligation to respond to court orders (ECF No. 63); and (2) plaintiff’s motion for a 90-day extension of time to file an amended complaint (ECF No. 66).

In plaintiff’s motion to postpone, filed on November 14, 2019, plaintiff states that he had been separated from his legal material incident to a transfer to another institution. See ECF No. 63. Concurrent with plaintiff’s motion, plaintiff submitted a notice of change of address. See id. In plaintiff’s motion for an extension of time, filed on December 18, 2019, plaintiff seeks additional time to file an amended complaint. See ECF No. 66.

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1           On September 25, 2019, the court granted plaintiff leave to file a fourth amended  
2 complaint within 60 days of the date of the court's order. See ECF No. 62. As of November 14,  
3 2019 – the date plaintiff's motion to postpone was filed – plaintiff had approximately 10 days  
4 remaining within which to comply. The docket reflects that plaintiff filed his fourth amended  
5 complaint on January 6, 2020. See ECF No. 28. Given plaintiff's transfer, the court finds good  
6 cause to grant plaintiff's motion for an extension of time to file an amended complaint, nunc pro  
7 tunc to the date the deadline established in the September 25, 2019, order expired. Plaintiff's  
8 fourth amended complaint will be deemed timely. Given these orders, plaintiff's motion to  
9 postpone is now moot. The sufficiency of plaintiff's fourth amended complaint and service  
10 thereof will be addressed separately.

11           Accordingly, IT IS HEREBY ORDERED that:

- 12           1. Plaintiff's motion for an extension of time to file an amended complaint  
13 (ECF No. 66) is granted;
- 14           2. Plaintiff's fourth amended complaint is deemed timely; and
- 15           3. Plaintiff's motion to postpone (ECF No. 63) is denied as moot.

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18 Dated: January 21, 2020



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20 DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE