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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT TAYLOR,
Plaintiff,
v.
WONG, et al.,
Defendants.

No. 2: 17-cv-1758 MCE KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On August 3, 2018, defendants filed a summary judgment motion and a motion to stay. (ECF Nos. 25, 26.) Plaintiff did not file oppositions to these motions. On September 20, 2018, the undersigned granted plaintiff thirty days to file an opposition to the summary judgment motion. (ECF No. 29.) Plaintiff did not respond to the September 20, 2018 order. Accordingly, on November 6, 2018, the undersigned recommended that this action be dismissed. (ECF No. 32.)

On December 6, 2018, plaintiff filed a motion for an extension of time to file an opposition to defendants’ summary judgment motion. (ECF No. 33.) Plaintiff also requests that he be provided with a copy of defendants’ summary judgment motion. In this pleading, plaintiff acknowledges receipt of the September 20, 2018 order. Plaintiff alleges that he could not file a timely opposition because of numerous, recent transfers, lack of access to his legal property and


1 his failure to receive his legal mail in a timely manner.

2 Plaintiff's December 6, 2018 motion for extension of time is neither dated nor signed by
3 plaintiff. However, the proof of service attached to the motion contains a date and plaintiff's
4 signature. Because the proof of service is dated and signed, the undersigned will consider
5 plaintiff's motion for extension of time.

6 Good cause appearing, IT IS HEREBY ORDERED that:

- 7 1. The November 6, 2018 findings and recommendations (ECF No. 32) are vacated;
- 8 2. Plaintiff's December 6, 2018 motion for extension of time (ECF No. 33) is granted;
9 plaintiff is granted forty-five days from the date of this order to file an opposition to defendants'
10 summary judgment motion and motion to stay;
- 11 3. Defendants shall re-serve plaintiff with the summary judgment motion and motion to
12 stay within seven days of the date of this order; defendants shall file proof of re-service with the
13 court.

14 Dated: December 12, 2018

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17 KENDALL J. NEWMAN
18 UNITED STATES MAGISTRATE JUDGE

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