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7 **UNITED STATES DISTRICT COURT**
 8 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11	JOSEPH MCDANIEL)	CASE:2:19-cv-01136 JAM KJN P
12	Plaintiff,)	{PROPOSED} ORDER re
13	Vs.)	REQUEST FOR EXTENSION OF
14)	TIME: PER DOCUMENTS 54 and
15	JOE LIZARRAGA, ET AL., WARDEN,)	42
16	MCSP; DR. CARMELINO GALANG, MD,)	
17	SJGH; MS. KELLY MARTINEZ, RN,)	
18	MCSP; DR. JERRY CROOKS, MD, SJGH;)	
19	DR. ROBERT M. HAWKINS, MD, MCSP;)	Judge: The Honorable Kendall
20	DR. MOHAMED IBRAHIM, MD, DHM; MS.)	J. Newman
21	ANABEL TORALBA, RN, MCSP; MS. L.)	Trial Date: None set
22	MICAEL, RN, MCSP; DR. JAMES LIN,)	Action Filed: June 20, 2019
23	MD, MHS, INDIVIDUALLY, AND IN)	
24	THEIR OFFICIAL CAPACITES,)	
25	Defendants)	

24 Plaintiff is a state prisoner, proceeding through counsel. On November 13,
 25 2020, plaintiff's counsel filed two motions for sixty-days extensions of time, both signed
 26 by counsel under penalty of perjury. However, both motions appear to be identical.
 27 Although counsel docketed the motions as applying to findings and recommendations
 28

1 docketed as ECF Nos. 42 and 54, the motions do not specifically reference the August
2 7, 2020 findings and recommendations (ECF No. 42). In addition, the motions state
3 that this is “my first request for enlargement [sic] of time in which to file Plaintiff’s
4 ‘OBJECTIONS TO THE FINDINGS AND RECOMMENDATIONS OF THE
5 MAGISTRATE JUDGE’ in the above-named case.” (ECF Nos. 59 at 1-2; 60 at 1-2.)
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7 While such statement is true as to the October 15, 2020 findings and
8 recommendations, such statement is not true as to the August 7, 2020 findings and
9 recommendations.¹ Thus, the court will not consider either motion as applying to the
10 August 7, 2020 findings and recommendations. Because the motions are duplicative,
11 the second motion is stricken. Just as counsel was previously advised concerning his
12 obligation to calendar court deadlines (ECF No. 48 at 1), counsel should carefully
13 review documents before filing them on the official court record. In an abundance of
14 caution, plaintiff’s counsel is granted fourteen days in which to file a motion for
15 further extension of time to file objections to the August 7, 2020 findings and
16 recommendations.²
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21 ¹ Counsel may recall that plaintiff filed an untimely pro se
22 motion to extend the deadline to file objections to the August 7,
23 2020, which was stricken, and counsel was granted an extension of
24 time to properly request an extension of time. On September 14,
25 2020, plaintiff was granted sixty days in which to file objections
to the August 7, 2020 findings and recommendations. Thus,
plaintiff has had over three months in which to prepare and file
objections.

26 ² Should counsel again request an extension of time to file
27 objections to the August 7, 2020 findings and recommendations, he
28 should provide substantial cause to support such request, and
explain his delay. For example, in the November 13, 2020 motion,
counsel states that he is “awaiting important documents” from a

1 Plaintiff's first request to extend time to file objections to the October 15, 2020
2 findings and recommendations is granted.

3
4 Accordingly, IT IS HEREBY ORDERED that:


5 1. Plaintiff's November 13, 2020 motion (ECF No. 60) is duplicative of his first
6 motion (ECF No. 59) and is stricken.

7 2. The Clerk of the Court shall strike the second motion (ECF No. 60).

8 3. Plaintiff's November 13, 2020 motion (ECF No. 59) is granted.

9
10 4. Plaintiff shall file objections to the October 15, 2020 findings and
11 recommendations (ECF No. 54) within sixty days from the date of this order.

12 Dated: November 23, 2020

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14 
15 KENDALL J. NEWMAN
16 UNITED STATES MAGISTRATE JUDGE

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California state agency, but he does not indicate when he
requested such documents.