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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 JAMES EDWARD CURTIS,

7 Plaintiff,

8 v.

9 TERRY J. BENDA and WILLIAM E.
RILEY,

10 Defendants.

No. 08-5109 BHS/KLS

ORDER GRANTING PLAINTIFF'S
SECOND MOTION FOR CONTINUANCE
TO RESPOND TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT

11 Before the Court is Plaintiff's second motion for a sixty day extension of time to respond
12 to Defendant Riley's motion for summary judgment on qualified immunity. ECF No. 156.
13 Defendants oppose the motion. ECF No. 158. On December 15, 2010, Defendant Riley
14 submitted his motion for summary judgment based on qualified immunity with a noting date of
15 January 7, 2011. ECF No. 148. Plaintiff has already moved for and has been granted one
16 extension of over 60 days to respond to Defendant Riley's motion, based on Plaintiff's assertion
17 that he needed more time to conduct legal research. ECF Nos. 152 and 155. In his most recent
18 request for an extension, Plaintiff states that he is confined to solitary where his access to legal
19 research materials is limited and must be made through written requests to the prison's law
20 library. ECF No. 156, p. 3. In addition, the MCC was recently on lock down status due to the
21 murder of a guard and that has impeded Mr. Curtis' access to legal materials.
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24 In light of Plaintiff's *pro se* status, limited access to legal materials, and out of an
25 abundance of caution, the court will grant the additional sixty day extension in order to respond
26 to Defendants' motion for summary judgment.

ORDER - 1

1 Accordingly, it is **ORDERED**:

2 (1) Plaintiff's motion for an additional extension of time to respond to Defendants'
3 motion for summary judgment (ECF No. 156) is **GRANTED**.

4 (2) Plaintiff shall file his response to Defendants' motion for summary judgment
5 (ECF No. 148) on or before **May 16, 2011**. Defendants' motion for summary judgment shall be
6 **re-noted for May 20, 2011**.

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8 (3) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendants.

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10 DATED this 22nd day of March, 2011.

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12 Karen L. Strombom
13 Karen L. Strombom
14 United States Magistrate Judge
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