

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

HJALMAR RODRIGUEZ, JR,

Plaintiff,

v.

Warden JACOB BEASLEY, *et al.*

Defendants.

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CASE NO:
7:24-cv-25-WLS-TQL

ORDER

Before the Court is Plaintiff's Request for an Extension of the Time to Respond (Doc. 7) ("Motion") filed June 24, 2024. Therein, Plaintiff requests a fourteen (14) day extension of time to respond to United States Magistrate Judge Thomas Q. Langstaff's Recommendation of Dismissal (Doc. 4) ("Recommendation") filed May 7, 2024. Plaintiff requests the extension because he did not receive a copy of the Recommendation until May 28, 2024.

The Recommendation provided that any objection thereto must be filed within fourteen days of Plaintiff being served with a copy of the Recommendation. The docket reflects that the Clerk served the Recommendation on May 7, 2024. Therefore, allowing for the mailbox rule, objections were due Friday, May 24, 2024. The docket reflected that no objections had been filed as of that date. On June 7, 2024, this Court entered an Order (Doc. 5) adopting Judge Langstaff's Recommendation denying Plaintiff's *in forma pauperis* motion under the three-strikes rule, and a Judgment (Doc. 6) was entered dismissing the Complaint.

According to the Plaintiff's Motion, the Recommendation was not received at the prison until May 20, 2024. However, the prison staff did not deliver the Recommendation to Plaintiff until May 28, 2024 (after deadline for filing objections). The certificate attached to the Motion reflects that Plaintiff delivered the Motion to the prison mailroom on June 4, 2024, prior to entry of the Court's Order and Judgment (Docs. 5, 6) on June 7, 2024. The Motion was not mailed from the prison until June 8, 2024 (Doc. 7-1), and not received by the Court until June 24, 2024.

The Court finds that through no fault of his own, Plaintiff did not receive the Recommendation until after the objection deadline had run. Thus, the Court finds that Plaintiff has shown good cause for the extension.

Accordingly, it is hereby **ORDERED** that:

1. The Motion (Doc. 7) is **GRANTED**.
2. Plaintiff may file any objections on or before **Wednesday, July 10, 2024**.
3. The Order (Doc. 5) adopting the Recommendation and the Judgment (Doc. 6) dismissing this case are **VACATED**.¹

SO ORDERED, this 26th day of June 2024.

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT

¹ See Federal Rule of Civil Procedure 60(b)(6) (grant relief from order on motion and just terms for “any other reason that justifies relief.”)