

EDWARD HERNANDEZ # 094718

ARIZONA STATE PRISON

1 SMITH P.O. Box 3400

2 FLORENCE, ARIZONA 85232

3

4 PRO/SE

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
JUN 12 2007	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	S. DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

8 EDWARD HERNANDEZ

9 PLAINTIFF

10 Y.

11 DORA, B. SCHIRO, et, al,

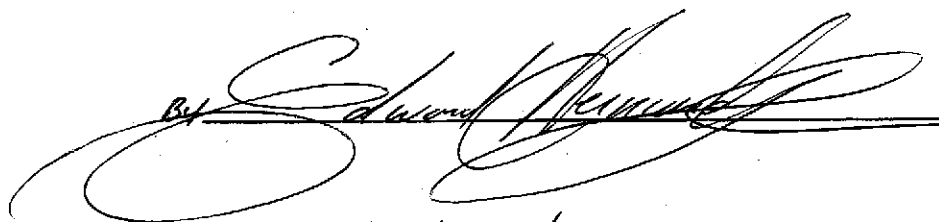
12 DEFENDANTS

NO. CV05-2853-PHX-DGC (JJM)

MOTION FOR ENLARGEMENT OF TIME FOR  
PLAINTIFF TO FILE RESPONSE TO DEFENDANTS  
MOTION FOR SUMMARY JUDGEMENT.

13  
14  
15 PRO SE PLAINTIFF EDWARD HERNANDEZ, MOVES THIS COURT  
16 FOR AN ENLARGEMENT OF TIME FOR HIM TO FILE A RESPONSE TO THE  
17 DEFENDANTS MOTION FOR SUMMARY JUDGEMENT, FOR GOOD CAUSE SHOWN,  
18 SEE MEMORANDUM OF POINTS AND AUTHORITIES.

19  
20  
21 Respectfully submitted this 10 day of June 2007.

22  
23  
24 

25 EDWARD HERNANDEZ  
26  
27 PRO/SE  
28

1. MEMORANDUM OF POINTS AND AUTHORITIES.

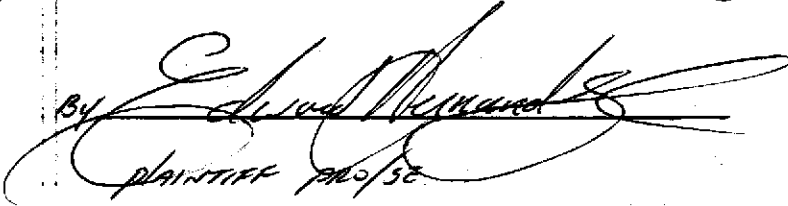
2  
3 ON JUNE 04, 2007 THE DEFENDANTS FILED A MOTION FOR SUMMARY  
4 JUDGEMENT, PURSUANT TO THE TIME CONSTRAINTS OF THE INITIAL SCHEDULING  
5 ORDER. THIS MAY HAVE BEEN APPROPRIATE, HOWEVER ON MAY 18, 2007  
6 PLAINTIFF FILED A MOTION FOR THE EXTENSION OF TIME FOR DISCOVERY DEAD-  
7 LINE. [DKT. NO. 88] WHERE THIS COURT GRANTED A (90) DAY EXTENSION OF THE  
8 DISCOVERY DEADLINE, FOR GOOD CAUSE SHOWN TILL AUGUST 07, 2007.

9  
10 INSTEAD OF THE DEFENDANTS FILING A MOTION TO EXTEND THEIR TIME TO  
11 FILE MOTION FOR SUMMARY JUDGEMENT, THEY CHOSE TO PROCEED IN FILING A  
12 MOTION FOR SUMMARY JUDGEMENT. CLEARLY THE DISCOVERY PROCESS HAS NOT  
13 BEEN COMPLETED AS DEFENDANTS HAVE NOT ANSWERED THE MOST RECENT  
14 LETTER BY MAIL ATTEMPTS, NOR THE PREVIOUSLY FILED MOTION TO THE COURT  
15 REQUESTING ADDITIONAL DISCOVERY FOR HIS QUESTIONS AND PLAINTIFF'S MOTION FOR  
16 RECONSIDERATION FILED MAY 31, 2007 CONCERNING A REQUEST FOR COUNSEL.

17  
18 WHERE THE FACTS ARE IN THE POSSESSION OF THE MOVING PARTY AS  
19 IN THE INSTANT CASE. A CONTINUANCE OF A MOTION FOR SUMMARY JUDGEMENT  
20 IS APPROPRIATE SEE; BAKER V. MCNEIL ISLAND CORRECTIONAL CENTER, 859 F. 2d  
21 124, 127 (9th CIR 1998). PLAINTIFF REQUESTS FROM THIS COURT PURSUANT TO FED. R.  
22 CIV. P. RULE 56 (F) A CONTINUANCE FROM THIS DATE UP UNTILL SEPTEMBER, 08  
23 2007, (30) DAYS AFTER THE MAY 18, 2007, EXTENSION GRANTED BY THIS  
24 COURT PURSUANT TO THE NEW DISCOVERY ORDER DEADLINE OF AUGUST  
25 07, 2007.

1 NOT REMOVING ANY FUTURE REQUESTS FOR TIME EXTENSION PURSUANT  
2 TO UNKNOWN DISCOVERY DELAYS.

3  
4 RESPECTFULLY SUBMITTED THIS 10 DAY OF JUNE 2007.

5  
6 BY   
7 PLAINTIFF PRO/SE

8  
9 CERTIFICATE OF SERVICE

10  
11 ORIGINAL AND TWO COPIES MAILED THIS 10 DAY OF JUNE 2007.

12 TO:

13  
14 CLERK OF THE COURT, U.S. DISTRICT COURT, DISTRICT OF ARIZONA, 401  
15 W. WASHINGTON ST. SPC 1, PHOENIX, ARIZONA 85003-2118.

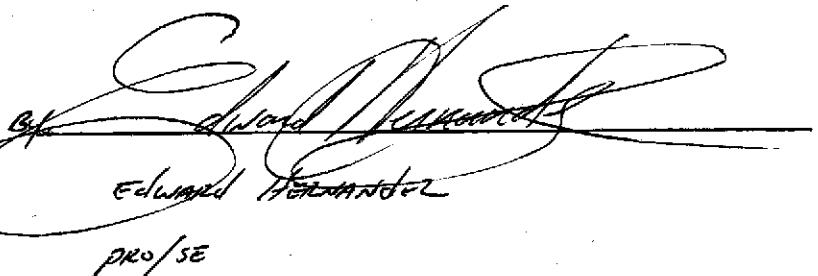
16  
17 ONE COPY MAILED SAME DAY TO:

18  
19 SUSANNA C. PINEDA

20 ASST. ATTORNEY GENERAL

21 1275 W. WASHINGTON

22 PHOENIX, ARIZONA 85007-2997

23  
24  
25 BY   
26 EDWARD HERNANDEZ  
27 PRO/SE  
28