

1 **WO**

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

7

8

9

Sheldon Walker,

)

No. CV-10-1408-PHX-JWS (LOA)

10

Plaintiff,

)

ORDER

11

vs.

)

12

Charles L. Ryan,

)

13

Defendant.

)

14

)

15

This matter is before the Court on Plaintiff's Motion for Extension of Time to Respond to Defendant's [Motion] for Summary Judgment. (Doc. 149)

16

17

Plaintiff filed a Section 1983 Prisoner Civil Rights Complaint, alleging six counts of constitutional violations, on July 7, 2010. (Doc. 1) Plaintiff was granted *in forma pauperis* status on September 15, 2010, and his complaint was dismissed in part and allowed to proceed in part. Defendants Ryan and Dunn were ordered to be served and answer the complaint, with respect to Count I for Defendant Ryan and Counts I, II and III with respect to Defendant Dunn. (*Id.* at pgs. 4, 5-6)

18

19

20

21

22

23

24

Plaintiff was granted leave to amend his complaint, doc. 19, and the First Amended Complaint was filed on December 30, 2010, doc. 20. The Court ordered Defendants Dunn and Ryan to answer Counts I, II and III, Defendants Ramos and Ryan to answer Count IV, Defendants Ryan, Ramos and Dunn to answer Count V, and Defendants Swaney, Caldwell, Barrett, Watson and Smith-Whitson to answer Count VI. (Doc. 19) On April 20, 2011, the

25

26

27

28

1 Court allowed Plaintiff to file a Second Amended Complaint to substitute Defendant Watson
2 with Defendant Kurtz. (Docs. 40, 41) The Court later granted Plaintiff's Motion to
3 Substitute Defendant Swanson for Defendant Kurtz and to voluntarily dismiss the claims
4 against Defendant Kurtz. (Doc. 138) On March 1, 2012, the Court granted Defendants'
5 Motion to Dismiss Count VI and dismissed Defendants Caldwell, Swaney, Barrett, Smith-
6 Whitson, and Swanson. (Doc. 111)

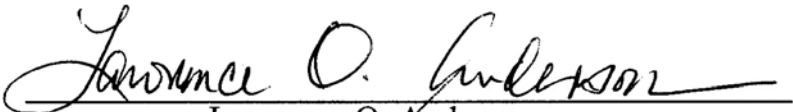
7 On June 29, 2012, Defendants moved for an extension of time in which to file
8 dispositive motions. (Doc. 137) The Court granted Defendants' motion, but also ordered
9 that no further extensions would be granted. (Doc. 138 at 2) Defendants filed their Motion
10 for Summary Judgment on August 13, 2012, doc. 146, and the Court ordered that Plaintiff
11 had until September 17, 2012 in which to file his Response. (Doc. 148) On August 27,
12 2012, Plaintiff filed his Motion for Extension of Time to File his Response to Defendants'
13 Motion. (Doc. 149) In his request, Plaintiff asks for an additional thirty (30) days in which
14 to file his response to Defendants' Motion because the Court has not yet ruled on Plaintiff's
15 Motion to Compel, doc. 134, which Plaintiff contends plays a role in his response to the
16 Motion for Summary Judgment. (Doc. 149 at 1) Plaintiff further alleges that he has had a
17 difficult time scheduling legal research time in the prison resource center. (*Id.*)

18 The Court has taken Plaintiff's Motion to Compel under advisement. Plaintiff will
19 not be ordered to file his response until further order from the Court.

20 Accordingly,

21 **IT IS ORDERED** that Plaintiff's Motion for Extension of Time to Respond to
22 Defendant's [Motion] for Summary Judgment, doc. 149, is **GRANTED**. Plaintiff does not
23 need to file his Response until further order setting said time for a response is entered by the
24 Court.

25 Dated this 6th day of September.

26 
27 Lawrence O. Anderson
28 United States Magistrate Judge