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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

MARK JONES,

Plaintiff,

v.

COUCH,

Defendant.

Case No. 1:08cv-00069-LJO-DLB PC

ORDER REGARDING PLAINTIFF'S  
FEBRUARY 25, 2015, DECLARATION

(Document 102)

Plaintiff Mark Jones ("Plaintiff") is a California state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983.

Pursuant to the Ninth Circuit's remand, the Court set an evidentiary hearing on the issue of exhaustion for December 8, 2014. However, Plaintiff was unable to attend the hearing because of a medical issue.

After a December 18, 2014, status conference, the evidentiary hearing was set for March 2, 2015.

On February 5, 2015, Plaintiff filed a motion requesting a thirty-day continuance of the March 2, 2015, hearing. Plaintiff stated that certain legal documents were missing after his return from the hospital.

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1 On February 10, 2015, the Court issued an order requiring Plaintiff to submit additional  
2 briefing to explain why he needed the documentary evidence. Plaintiff was given ten days to  
3 respond.

4 On February 24, 2015, after not receiving supplemental briefing from Plaintiff, the Court  
5 denied the extension.

6 On February 25, 2015, the Court received a declaration from Plaintiff.<sup>1</sup> The information in  
7 the declaration, however, does not establish good cause and the February 24, 2015, denial will not be  
8 altered. Plaintiff states that “these two grievances 602 that were taken or lose [sic] are in contrary to  
9 the testimony that is going to be given on March 2, 2015.” ECF No. 102, at 1. However, Plaintiff  
10 did not submit a copy of the first grievance (September 20, 2007) with his January 2010 opposition  
11 to Defendant’s motion to dismiss, and his declaration does not specifically state that he now has a  
12 copy of the appeal. Plaintiff *did* submit the second grievance (October 15, 2007) with his  
13 opposition, and the Court therefore has a copy.

14 Plaintiff has failed to provide sufficient information to establish good cause for an extension.  
15 Pursuant to the February 25, 2015, order, the March 2, 2015, hearing will continue as scheduled.

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17 IT IS SO ORDERED.

18 Dated: February 26, 2015

/s/ Lawrence J. O’Neill  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The declaration was signed and placed in the mail on February 20, 2015. Douglas v. Noelle, 567 F.3d 1103, 1107 (9th Cir. 2009) (applying mailbox rule to section 1983 actions).