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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Phillip Rosenblum,)	No. CV-1-08-0448-SMM
Plaintiff,)	
vs.)	ORDER
Mule Creek State Prison Medical Staff, et al.,)	
Defendants.)	

Before the Court is Defendants’ Motion for Summary Judgment. (Doc. 91.) The Court has granted Plaintiff several extensions of time to respond to Defendants’ Motion for Summary Judgment. Defendants’ Motion for Summary Judgment was filed on May 13, 2011. The Court initially gave Plaintiff until July 8, 2011 to file a Response. (Doc. 82.) On July 12, 2011, the Court provided Plaintiff with an extension until September 4, 2011 to file a Response. (Doc. 94.) On September 13, 2011, the Court provided Plaintiff with another extension, until October 14, 2011, to file a Response. (Doc. 97.) On October 3, 2011, Plaintiff filed a Request for Third Extension of Time to File Opposition to Motion for Summary Judgment and Modification of Scheduling Order. (Doc. 98.) In that motion, Plaintiff stated that since his release from prison he has been living as a transient and has only sporadically been able to keep up with the demands of litigating this case. (*Id.* at 3.) Plaintiff requested unspecified additional time to file a Response and to depose Dr. Shyam Nair regarding his September 26, 2008 recommendation for a heart MRI that Plaintiff

1 contends is integral to his case. (Id.) Plaintiff has been discussing deposing Dr. Nair since at
2 least March 23, 2010. (Doc. 44 at 4.) Plaintiff was informed at that time that he is
3 responsible for noticing and scheduling any deposition pursuant to the Federal Rules of Civil
4 Procedure and that he would incur all costs associated with the deposition. (Id.)

5 Plaintiff requested and the Court granted issuance of Plaintiff's subpoena of Dr. Nair
6 for a deposition, and based on Plaintiff's *in forma pauperis* status, the Court authorized
7 service of process without prepayment of costs. (Doc. 99 at 3, Doc. 104.) However, the
8 Court warned Plaintiff that 28 U.S.C. § 1915 did not authorize the waiver of witness fees or
9 other fees to be tendered with the subpoena. (Doc. 99 at 2.) The subpoena was served as
10 ordered. (Doc. 105.)

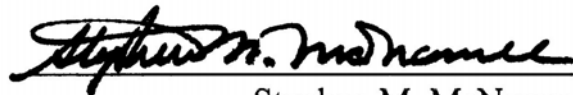
11 Based on the foregoing, the Court must now establish a new deadline for Plaintiff's
12 Response to Defendants' Motion for Summary Judgment.

13 Accordingly,

14 **IT IS HEREBY ORDERED** that Plaintiff must file a Response to Defendants' Motion
15 for Summary Judgment no later than **Friday, April 20, 2012**. The Court will not grant any
16 further extensions for Plaintiff's Response to Defendants' Motion for Summary Judgment.

17 **IT IS FURTHER ORDERED** that Plaintiff must file a Notice of Current Address with
18 the Court by **Friday, March 30, 2012**.

19 DATED this 13th day of March, 2012.

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22 Stephen M. McNamee
23 Senior United States District Judge
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