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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

J. DOE,

Plaintiff,

v.

YATES, et al.,

Defendants.

CASE NO. 1:08-cv-01219-LJO-DLB PC

ORDER DENYING MOTIONS FOR HEARING (DOCS. 85, 86)

ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION (DOC. 95)

ORDER DENYING REQUEST FOR STAY (DOC. 97)

ORDER GRANTING REQUEST FOR CLARIFICATION AND EXTENSION OF TIME (DOC. 102)

Plaintiff J. Doe¹ (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court are several motions filed by both Plaintiff and Defendants.

I. Motions For Hearing

On March 29, 2010, Plaintiff filed a motion requesting a hearing. (Doc. 85.) Plaintiff contends that counsel for Defendants lied to the Court in Defendants’ response, filed March 19,

¹ J. Doe is a fictitious name.

1 2010. Plaintiff requests a hearing to impose sanctions. Plaintiff submits over a hundred pages of
2 exhibits in support. These exhibits do not demonstrate Plaintiff's claims. Plaintiff provides no
3 evidence to support his contention that counsel for Defendants intentionally lied to the Court.
4 The Court sees no reason to schedule a hearing regarding this matter. Furthermore, the Court
5 issued its ruling regarding service on the unserved Defendants on April 6, 2010, instructing
6 Plaintiff to effect proper service. Accordingly, Plaintiff's motion, filed March 29, 2010, is
7 DENIED.

8 On March 31, 2010, Plaintiff filed a motion requesting a hearing regarding Defendants'
9 counsel's disrespectful and discriminatory treatment. (Doc. 86.) Plaintiff contends that
10 Defendants' counsel use of masculine pronouns when referring to Plaintiff constitutes disrespect.
11 Plaintiff is a preoperative male to female transgendered individual, and uses the feminine when
12 referring to Plaintiff. Defendants' use of the masculine pronoun when referring to Plaintiff is not
13 intended in a disrespectful manner. The Court sees no reason to schedule a hearing regarding
14 this matter. Accordingly, Plaintiff's motion, filed March 31, 2010, is DENIED.

15 **II. Plaintiff's Motions For Extension Of Time**

16 On May 12, 2010, Plaintiff filed a motion for extension of time to address Defendants'
17 motion to dismiss. (Doc. 95.) The Court HEREBY grants this motion nunc pro tunc. Plaintiff's
18 opposition was due June 14, 2010.

19 On May 17, 2010, Plaintiff requested a stay on the proceedings until the Court resolves
20 court docket 50. (Doc. 97.) Court docket 50 refers to an order regarding consent or reassignment
21 to a magistrate judge to adjudicate the proceedings. Plaintiff contends Defendants are "judge
22 shopping." Plaintiff is incorrect. This action will be reassigned to a magistrate judge only if all
23 parties have consented to such reassignment. Defendants have consented; Plaintiff has not.
24 Thus, Plaintiff's request for a stay is moot and DENIED.

25 **III. Defendants' Request For Clarification and Extension of Time**

26 On June 15, 2010, Defendants Yates and Scott filed a request for clarification. (Doc.
27 102.) Defendants seek clarification as to whether Plaintiff's motion for sanction, filed June 7,
28 2010, is considered to be an opposition to Defendants' motion to dismiss.

