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

ALLEN B. WILLIAMS,

Plaintiff,

v.

MATTHEW CATE, et al.,

Defendants.

Case No. 1:09-cv-00468 OWW JLT (PC)

ORDER RE: DEFENDANTS’ REQUESTS
FOR RE-SERVICE OF PENDING MOTIONS
AND AN EXTENSION OF TIME TO FILE A
RESPONSE

(Doc. 82.)

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. On May 9, 2011, Plaintiff filed a “renewed” motion to compel discovery and a motion to reinstate dismissed claims. (Doc. 75.) On May 25, 2011, Defendants filed a request for Plaintiff to re-serve his motions because several documents referenced therein were not attached to the motions. (Doc. 78.) By order filed May 27, 2011, the Court denied Defendants’ request. (Doc. 79.) The Court explained that the missing documents appeared to have been sent to and filed by the Court under docket number 77. (Doc. 79 at 1.) Thus, in the interest of preserving resources, the Court did not require Plaintiff to re-serve his motions but instead referred the Defendants to docket number 77. (Id.) However, the Court noted that Defendants could renew their request for re-service if they found that docket number 77 did not contain all the documents referenced by Plaintiff in his motions. (Id.)

On June 27, 2011, Defendants renewed their request for re-service. (Doc. 82.) Defendants explain that while the vast majority of the missing documents can be found in docket number 77, a few

1 do still appear to be missing. (Id. at 2-3.) In particular, Defendants assert that Plaintiff’s declaration is
2 missing, as well as a memorandum dated April 21, 2008, a memorandum dated April 7, 2009, and a
3 memorandum dated July 16, 2009. (Id. at 3.)

4 Accordingly, it is **HEREBY ORDERED** that:

5 1. Defendants’ June 27, 2011 request for re-service and an extension of time to file a
6 response to Plaintiff’s motions (Doc. 82) is **GRANTED** as follows:

7 a. Within twenty-one (21) days of the date of service of this order, Plaintiff shall
8 file: (1) his declaration in support of his motion to “reactive lawsuit against . . .
9 Defendants previously dismissed from [the] case”; and (2) copies of the three
10 memorandums regarding Defendant Wegman that are cited by Plaintiff in his
11 pending motions.

12 b. Within thirty (30) days of Plaintiff filing the above listed documents, Defendants
13 shall file their opposition to the pending motions.

14 2. Plaintiff is cautioned that his failure to comply with this order could result in sanctions
15 including, but not limited to, the denial of the pending motions. See Local Rule 110.

16 IT IS SO ORDERED.

17 Dated: June 30, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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