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## UNITED STATES DISTRICT COURT

## EASTERN DISTRICT OF CALIFORNIA

PUNAOFO TSUGITO TILEI,	Case No. 1:10-cv-000069-LJO-SKO (PC)
Plaintiff, v.	ORDER GRANTING PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO SUBMIT DOCUMENTS FOR SERVICE
McGUINNESS, et al.,	(Doc. 48)
Defendants.	JULY 15, 2016 DEADLINE

Plaintiff, Punaofo Tsugito Tilei, is a state prison inmate proceeding *pro se* and *in forma pauperis* in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on January 13, 2010. (Doc. 1.) Upon appeal, the Ninth Circuit found that the Complaint states a cognizable claim for relief under section 1983 against C.M.O. William J. McGuinness M.D., Jeremy Wang M.D., H. Hasrdsri M.D., Joseph Obriza M.D., Julian Kim M.D., Jeffrey Neubarth M.D., N. Loadholt, FNP, and P. Rouch, FNP ("Defendants") for deliberate indifference to Plaintiff's serious medical needs in violation of the Eighth Amendment. (Docs. 43, 44.)

On April 7, 2016, an order issued based on the ruling of the Ninth Circuit which found service on Defendants appropriate and ordered submission of documents by Plaintiff. (Doc. 45.) On April 22, 2016, counsel was appointed to represent Plaintiff as directed by the Ninth Circuit. (Doc. 47.) On May 31, 2016, Plaintiff filed a motion seeking up to and including July 15, 2016 to comply with the Court's order of April 7, 2016. (Doc. 48.) Plaintiff seeks this relief under Rule 6(b)(1)(B) of the Federal Rules of Civil Procedure based on excusable neglect due to lapse of

time before counsel received all requisite documents. (Id.) This equates to good cause.

Plaintiff's motion notes that he seeks an extension of time accomplish service of process on Defendants. (Doc. 48.) However, the Court's order of April 7, 2016, did not require Plaintiff to *serve* Defendants; rather it required Plaintiff to submit summonses and the Complaint for service via the United States Marshal within thirty days. (Doc. 45.) Further, Plaintiff scheduled a hearing date for this motion. (Doc. 48.) However, this case is proceeding under Local Rule 230(1). As such, all motions are deemed submitted when the time to reply has expired, without oral argument unless otherwise ordered by the Court. Thus, the hearing on Plaintiff's motion for relief under Rule 6 of the Federal Rules of Civil Procedure (Doc. 48) is properly vacated.

Accordingly, it is HEREBY ORDERED that Plaintiff's motion for an extension of time, filed on May 31, 2016, (Doc. 48), is GRANTED in as much as he must submit the requisite summons and copies the Complaint for service on Defendants by the United States Marshal on or before July 15, 2016; or if Plaintiff does not desire the United States Marshal to serve Defendants, he should file a notice so indicating by that date as well; and the hearing on Plaintiff's motion is VACATED.

IT IS SO ORDERED.

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Dated: **June 1, 2016** 

|s| Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE