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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 LAMONT SHEPARD,

12 Plaintiff,

13 vs.

14 COHEN, et al.,

15 Defendants.
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1:11-cv-00535-LJO-GSA-PC

ORDER GRANTING PLAINTIFF'S MOTION
TO WITHDRAW
(Doc. 75.)

ORDER WITHDRAWING PLAINTIFF'S
OPPOSITION TO DEFENDANTS' CROSS-
MOTION FOR SUMMARY JUDGMENT
(Doc. 68.)

ORDER GRANTING EXTENSION OF TIME
TO FILE AMENDED OPPOSITION TO
DEFENDANTS' CROSS-MOTION

ORDER ADDRESSING PLAINTIFF'S
MOTION TO CONDUCT DISCOVERY AND
REQUEST FOR COURT ASSISTANCE

ORDER FOR CLERK TO SEND DOCKET
SHEET TO PLAINTIFF

**DEADLINE TO FILE AMENDED
OPPOSITION: June 30, 2015**

24 **I. BACKGROUND**

25 Lamont Shepard ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis
26 with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint
27 commencing this action on March 30, 2011. (Doc. 1.) This action now proceeds on the
28 Second Amended Complaint filed on May 19, 2014, against defendants Dr. Cohen, Sergeant J.

1 Lopez, Correctional Officer (C/O) Z. Dean, C/O J. Campbell, and Vera Brown (LVN) on
2 Plaintiff's due process claim, and against defendants Dr. Cohen, Sergeant J. Lopez, C/O Z.
3 Dean, and C/O J. Campbell on Plaintiff's excessive force claim.¹ (Doc. 41.)

4 On October 14, 2014, Plaintiff filed a motion for summary judgment. (Doc. 60.) On
5 December 8, 2014, defendants Lopez, Dean, Campbell, and Brown ("Defendants") filed an
6 opposition to Plaintiff's motion for summary judgment, and a cross-motion for summary
7 judgment. (Doc. 67.) On December 29, 2014, Plaintiff filed a reply to Defendants' opposition,
8 and an opposition to Defendants' cross-motion. (Doc. 68.)

9 On February 25, 2015, the court issued an order permitting Plaintiff to withdraw his
10 opposition to Defendants' cross-motion and file an amended opposition within thirty days, in
11 light of the court's issuance to Plaintiff of a Rand² Summary Judgment Notice and Warning.
12 (Doc. 71.) On March 25, 2015, Plaintiff filed a motion to withdraw his opposition, a motion
13 for extension of time to file an amended opposition, a motion to conduct discovery against
14 defendant Brown, and a request for court assistance. (Doc. 75.)

15 Plaintiff's motion to withdraw, motion for extension of time, motion to conduct
16 discovery, and request for court assistance are now before the court.

17 **II. MOTION TO WITHDRAW OPPOSITION**

18 In light of the court's order of March 25, 2015, which permitted Plaintiff to withdraw
19 his opposition to Defendants' cross-motion for summary judgment and file an amended
20 opposition, Plaintiff's motion to withdraw is granted, and Plaintiff's opposition, filed on
21 December 29, 2014, shall be withdrawn.

22 **III. MOTION FOR EXTENSION OF TIME**

23 Plaintiff requests an extension of time to file his amended opposition, because he has
24 been placed in the administrative segregation unit. Good cause appearing, Plaintiff shall be
25 granted an extension of time until June 30, 2015, in which to file an amended opposition to

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27 ¹ Service of process upon defendant Dr. Cohen by the United States Marshal is pending.

28 ²Rand v. Rowland, 154 F.3d 952 (9th Cir. 1998) (en banc).

1 Defendants' cross-motion for summary judgment of December 8, 2014. If Plaintiff requires
2 additional time, he should file a motion before the expiration of the existing deadline.

3 **IV. MOTION TO CONDUCT DISCOVERY**

4 Plaintiff has filed a motion to conduct discovery against defendant Vera Brown.
5 Plaintiff's motion is moot, because Plaintiff is already permitted to conduct discovery against
6 defendant Brown. The court's Second Discovery and Scheduling Order issued on December 5,
7 2014, opened discovery in this action against defendant Vera Brown until August 30, 2015.
8 Thus, Plaintiff is permitted to conduct discovery against defendant Brown pursuant to the
9 court's order.

10 **V. PLAINTIFF'S REQUEST FOR COURT ASSISTANCE**

11 Plaintiff makes a vague request to the court for "helps (*sic*) of filing this Amended
12 opposition," followed by a three-part list: "(1) Plaintiff's Summary Judgment Dated October
13 14, 2014; (2) Defendants' Opposition to said Summary Judgment and Cross-motion for
14 Summary Judgment; and (3) All declarations, depositions, answers to interrogatories or
15 authenticated documents." (Doc. 75 ¶III.) To the extent that Plaintiff seeks copies of
16 documents from the court, Plaintiff is advised that the Clerk does not ordinarily provide free
17 copies of case documents to parties. The Clerk charges \$.50 per page for copies of documents.
18 See 28 U.S.C. § 1914(a). Copies of up to twenty pages may be made by the Clerk's Office at
19 this Court upon written request, prepayment of the copy fees, and submission of a large self-
20 addressed envelope affixed with sufficient postage. The fact that the Court has granted leave
21 for Plaintiff to proceed in forma pauperis does not entitle him to free copies of documents from
22 the Court. Under 28 U.S.C. § 2250, the Clerk is not required to furnish copies without cost to
23 an indigent petitioner except by order of the judge. Plaintiff has not shown good cause for the
24 court to send him free copies of the listed documents.

25 Plaintiff's motion for summary judgment, Document #60, filed on October 14, 2014, is
26 twenty-seven pages long, and Defendants' opposition and cross-motion, Document #67, filed
27 on December 12, 2014, is sixty pages long. The court's record does not ordinarily contain
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1 copies of the parties' discovery requests, responses, or depositions, unless they are at issue.
2 Plaintiff shall be sent a copy of the docket sheet for this case for his review.

3 **VI. CONCLUSION**

4 Based on the foregoing, it is HEREBY ORDERED that:

- 5 1. Plaintiff's motion to withdraw his opposition to Defendants' cross-motion for
6 summary judgment is GRANTED;
- 7 2. Plaintiff's opposition to Defendants' cross motion, filed on December 29, 2014,
8 is WITHDRAWN from the court's record;
- 9 3. Plaintiff is GRANTED an extension of time until June 30, 2015, in which to file
10 an amended opposition to Defendants' cross-motion for summary judgment of
11 December 8, 2014; and
- 12 4. The Clerk of Court is directed to SEND Plaintiff a copy of the court's docket
13 sheet for this case.

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15 IT IS SO ORDERED.

16 Dated: May 16, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE