

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 ISAAC DA'BOUR DAWSON,

12 Plaintiff,

13 vs.

14 CDCR, et al.,

15 Defendants.
16
17
18
19

1:15-cv-01867-DAD-GSA-PC

ORDER GRANTING EXTENSION OF
TIME FOR PLAINTIFF TO FILE
OPPOSITION OR STATEMENT OF
NON-OPPOSITION TO
DEFENDANTS' MOTION TO
DISMISS
(ECF No. 27.)

TWENTY-ONE DAY DEADLINE

ORDER FOR CLERK TO SEND
PLAINTIFF DOCKET SHEET AND
COPY OF ECF No. 27

20 **I. BACKGROUND**

21 On April 13, 2017, the court issued an order requiring Plaintiff to file an opposition, or
22 notice of non-opposition, to the motion to dismiss filed on December 14, 2016. (ECF No. 32.)

23 On May 2, 2017, Plaintiff filed a response to the order. (ECF No. 33.) In the response,
24 Plaintiff declined to file an opposition, claiming that Defendants' motion to dismiss had already
25 been denied by Judge Dennis L. Beck. Plaintiff referred to the motion to dismiss filed on
26 December 14, 2016, as a "fake motion," and indicated his non-opposition to the motion. (Id. at
27 2:4.) Plaintiff also requested copies of all motions that were filed while he was "outside of
28 CDCR." (Id. at 2:6.)

1 **II. OPPOSITION TO MOTION TO DISMISS**

2 Plaintiff is mistaken that the motion to dismiss filed on December 14, 2016, is a “fake
3 motion” that has already been denied. It is likely that Plaintiff is referring to Defendants’
4 motion to revoke Plaintiff’s in forma pauperis status, which was denied by the court on
5 November 8, 2016. On December 14, 2016, Defendants filed a motion to dismiss which is now
6 pending. (ECF No. 27.) Plaintiff is cautioned that if he does not file an opposition to the
7 motion to dismiss pursuant to this order, this case will be dismissed for failure to comply with
8 the court’s order. Plaintiff shall be granted another twenty-one days to file his opposition.

9 **III. REQUEST FOR COPIES**

10 Plaintiff has requested copies of all motions filed while he was “outside of CDCR,”
11 because his mail is not being forwarded to him in a timely matter. The court shall not speculate
12 as to which documents Plaintiff has not received. The Clerk shall be directed to send Plaintiff a
13 copy of the docket sheet for this case, Plaintiff can then review the record and decide which
14 documents he needs.

15 Plaintiff is advised that the Clerk does not ordinarily provide free copies of case
16 documents to parties. The Clerk charges \$.50 per page for copies of documents. See 28 U.S.C.
17 § 1914(a). Copies of up to twenty pages may be made by the Clerk's Office at this court upon
18 written request and prepayment of the copy fees. The fact that the court has granted leave for
19 Plaintiff to proceed in forma pauperis does not entitle him to free copies of documents from the
20 court. Therefore, Plaintiff’s request for copies shall be denied. To request copies at this stage
21 of the proceedings, Plaintiff must submit a request in writing to the Clerk, a large self-
22 addressed envelope affixed with sufficient postage, and prepayment of copy costs to the Clerk.

23 Notwithstanding this ruling, the court shall provide Plaintiff with a copy of the motion
24 to dismiss so that he can file an opposition.

25 **IV. ADDRESS OF RECORD**

26 Plaintiff’s address of record at the court is at the Sacramento County Main Jail, 651 I
27 Street, Sacramento, CA 95814. If Plaintiff’s address changes, he must submit a notice of
28 change of address to the court. Plaintiff is cautioned that pro se litigants are required to notify

1 the Clerk and all other parties of any change of address, and absent such notice, service of
2 documents at the prior address of the party shall be fully effective. See Local Rule 182(f).
3 Moreover, Plaintiff's failure to comply with an order or any Local Rule may be grounds for
4 dismissal of the entire action. See Local Rule 110.

5 **V. CONCLUSION**

6 Based on the foregoing, IT IS HEREBY ORDERED that:

- 7 1. Within **twenty-one days** of the date of service of this order, Plaintiff shall file
8 an opposition or statement of non-opposition to the motion to dismiss filed on
9 December 14, 2016 by Defendants Guzman, Gonzales, Marsh, and Johnson,
10 pursuant to the order issued on April 13, 2017;
- 11 2. The Clerk of Court is directed to send Plaintiff:
 - 12 (1) A copy of the docket sheet for this case, and
 - 13 (2) A copy of Defendants' motion to dismiss filed on December 14,
14 2016, (ECF No. 27); and
- 15 3. Plaintiff's failure to comply with this order may result in the dismissal of this
16 case.

17
18 IT IS SO ORDERED.

19 Dated: May 8, 2017

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE