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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CURTIS ANDERSON,
Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,
Defendants.

Case No. 1:16-cv-00352-DAD-SAB (PC)

**ORDER REQUIRING PLAINTIFF TO
RESPOND TO DEFENDANTS' MOTIONS
TO DISMISS**

[ECF Nos. 22, 26, 30]

I.

INTRODUCTION

Plaintiff is a federal prisoner proceeding pro se and in forma pauperis in this action pursuant to the Federal Tort Claims Act (FTCA), 28 U.S.C. § 2671.

On November 6, 2017, the Court's October 26, 2017 discovery and scheduling order that was served on Plaintiff in this matter was returned as undeliverable, with a notation that Plaintiff was no longer housed at Grady County Jail, his then-address of record.

On October 23, 2017, Defendant Hellner filed two motions to dismiss. (ECF Nos. 22, 23.) On November 7, 2017, the United States filed a motion to dismiss. (ECF No. 26.) On November 17, 2017, Mercy Medical Center filed a motion to dismiss. (ECF No. 30.) Under Local Rule 230(l), a response to a motion is due within twenty-one (21) days of the date of

1 service of the motion. As of the date of this order, Plaintiff has not filed any response to these
2 pending motions. However, at the time that these motions were filed, Plaintiff had not yet
3 updated his address of record.

4 On December 4, 2017, Plaintiff filed a notice of change of address. Plaintiff indicated
5 that he is now housed at the Miami Federal Detention Center. Plaintiff does not state what date
6 his address changed, but the notice does request that court orders issued after October 10, 2017
7 be re-sent to him. (ECF No. 34.)¹

8 **II.**

9 **DISCUSSION**

10 Defense counsel for Defendant Hellner filed certificates of service showing that the two
11 motions to dismiss by that Defendant and the supporting documents were mailed to Plaintiff at
12 the Miami Federal Detention Center on October 23, 2017. (ECF No. 22, at p. 4; ECF No. 22-1, at
13 p. 6; ECF No. 22-2, at p. 19; ECF No. 23, at p. 4; ECF No. 23-1, at p. 5; ECF No. 23-2, at p. 19.)
14 Counsel for the United States also filed a certificate of service showing that the motion and
15 supporting documents filed by that Defendant were mailed to Plaintiff at the Miami Federal
16 Detention Center on November 20, 2017. (ECF No. 31.) Finally, defense counsel for Mercy
17 Medical Center also filed a certificate of service showing that the motion and supporting
18 documents filed by that Defendant were mailed to Plaintiff at the Miami Federal Detention
19 Center on December 7, 2017. (ECF No. 38.)

20 Based on the foregoing, it appears defense counsel in this matter has made diligent
21 attempts to serve Plaintiff at his current address of record with their pending motions to dismiss
22 and supporting documents. Nevertheless, due to Plaintiff's transfer, there may have been some
23 delay in his receipt of those materials. Therefore, the Court finds it appropriate to require a
24 response by Plaintiff to the pending motions within thirty (30) days of this order.

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27 ¹ The Court's October 26, 2017 discovery and scheduling order was re-served on Plaintiff on December 6,
28 2017. The Court's recent findings and recommendations, issued on November 30, 2017, were also mailed
to Plaintiff at the Miami Federal Detention Center. (ECF No. 33, at p. 11.)

1 If Plaintiff has not yet received any of the motions or supporting documentation, he must
2 immediately inform defense counsel. Any request for an extension of time must be supported by
3 good cause, and must be filed before the expiration of this deadline.

4 **III.**

5 **CONCLUSION**

6 Accordingly, Plaintiff is HEREBY ORDERED to file an opposition or a statement of
7 non-opposition to each of Defendants' motions to dismiss within thirty (30) days of this order.

8 IT IS SO ORDERED.

9 Dated: December 12, 2017



10 UNITED STATES MAGISTRATE JUDGE

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