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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CASEY WATKINS,
Plaintiff,
v.
CHAD GREENWOOD, et al.,
Defendants.

Case No. 1:16-cv-00850-LJO-SAB
ORDER REQUIRING PLAINTIFF TO FILE
A REPLY TO DEFENDANTS'
OPPOSITIONS TO PLAINTIFF'S MOTION
FOR AN EXTENSION OF TIME

TWENTY-ONE DAY DEADLINE

Plaintiff Casey Watkins is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On May 18, 2017, Defendant Chad Greenwood filed a motion to dismiss in this action. On May 19, 2017, Defendant Lukious Sims filed a notice of joinder in the motion to dismiss. On June 19, 2017, Defendant Greenwood's counsel filed a declaration stating that Plaintiff had not served an opposition to the motion to dismiss. On June 22, 2017, Plaintiff filed a notice of change of address. On June 26, 2017, Defendant Greenwood was ordered to serve a copy of the declaration on Plaintiff at his current address. On June 26, 2017, Defendant Greenwood re-served the declaration in lieu of reply at Plaintiff's new address.

On July 5, 2017, Plaintiff filed a motion for a thirty day extension of time until July 17, 2017, to respond to the motion to dismiss and a notice to the court. (ECF Nos. 31, 32.) Defendant Greenwood's counsel informed the Court that Defendant Greenwood intended to oppose the motion for an extension of time. On July 11, 2017, the Court ordered Defendants to

1 file an opposition or statement of non-opposition to Plaintiff's motion for an extension of time.
2 (ECF No. 35.)

3 On July 13, 2017, Defendant Greenwood filed an opposition to Plaintiff's motion for an
4 extension of time and attached the declarations of E. Olson and S. Hom in support of the
5 opposition. (ECF No. 36.) On July 13, 2017, Defendant Sims filed an opposition to Plaintiff's
6 motion for an extension of time and a request for judicial notice. (ECF No. 37.)

7 Plaintiff indicates that between May 27, 2017, and June 15, 2017, he was in transition
8 between prisons and he was not allowed access to the law library, copy machine, typewriters, or
9 his property. (ECF No. 32.) He states that he would have opposed the motion, but he did not
10 have access to his materials to write to the Court. (ECF No. 32.) Defendants argue that Plaintiff
11 was transferred from California City Correctional Facility on June 14, 2017, and received at
12 California Men's Colony on June 15, 2017. (ECF No. 30.) Defendants present evidence that
13 Plaintiff had appointments to access the law library on June 2, 2017, June 6, 2017, and June 9,
14 2017, and actually attended those appointments. (ECF No. 36-2.) Defendants also present
15 evidence that Plaintiff's property was not inventoried for transfer until June 10, 2017. (ECF No.
16 36-1.) Defendants argue that Plaintiff has not shown good cause for an extension of time.

17 Therefore, the Court shall require Plaintiff to file a reply to Defendants' oppositions to
18 Plaintiff's motion for an extension of time to file an opposition to the motion to dismiss.
19 Plaintiff is advised that although he is proceeding pro se in this action, he must comply with Rule
20 11 of the Federal Rules of Civil Procedure.¹

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22 ¹ Rule 11 provides that by presenting a pleading to the Court, Plaintiff is certifying that to the best of his knowledge,
23 information and belief, formed after a reasonable inquiry,

- 24 (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or
25 needlessly increase the cost of litigation;
26 (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous
27 argument for extending, modifying, or reversing existing law or for establishing new law;
28 (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have
evidentiary support after a reasonable opportunity for further investigation or discovery; and
(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are
reasonably based on belief or a lack of information.

28 Fed. R. Civ. P. 11(b).

1 Accordingly, IT IS HEREBY ORDERED that Plaintiff shall file a reply to Defendants'
2 oppositions to Plaintiff's motion for an extension of time to file his opposition to the motion to
3 dismiss within **twenty-one (21) days of the date of service of this order.**

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5 IT IS SO ORDERED.

6 Dated: July 14, 2017


UNITED STATES MAGISTRATE JUDGE

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