



1 and ordered that this case proceed against certain defendants for violating Plaintiff's First and  
2 Sixth Amendment rights and for conspiracy to violate such rights. (ECF No. 30).

3 The Court ordered Plaintiff to complete service documents. (ECF No. 31). To complete  
4 the service documents, Plaintiff was required to photocopy his second amended complaint at least  
5 nine times. (*See id.* at 3). On November 2, 2020, Plaintiff filed a motion for injunctive relief,  
6 which stated that he was being denied photocopy access and was unable to complete the service  
7 documents. (ECF No. 33). His motion included copies of his grievances requesting photocopy  
8 access and denials by Madera County Jail staff. The Court ordered the clerk to make the relevant  
9 photocopies for Plaintiff as a one-time courtesy. (ECF No. 34).

10 Plaintiff subsequently filed several additional declarations that concern his ability to  
11 access the courts. (ECF Nos. 35, 39). Document 35 includes a declaration from Plaintiff that he  
12 has been unable to obtain photocopier access for his petition for a writ of habeas corpus.  
13 Document 39 is a signed declaration that states, among other things, that letters from the ACLU  
14 were opened outside of Plaintiff's presence.

15 On January 5, 2021, Defendants Alvarez, Followell,<sup>1</sup> Lopez, Marley, Quick, Ramos and  
16 Rossette ("Appearing Defendants")<sup>2</sup> filed a motion for extension of time to respond to Plaintiff's  
17 second amended complaint, stating that they needed an additional 60 days so that they can obtain  
18 access to Plaintiff's petition for a writ of habeas corpus, which may render some of Plaintiff's  
19 claims subject to res judicata. (ECF Nos. 47, 48).<sup>3</sup>

## 20 **II. ANALYSIS**

### 21 **A. Appearing Defendants' Motion for Extension of Time**

22 Appearing Defendants request an extension of time, arguing that Plaintiff's separate  
23 petition for a writ of habeas corpus may render some of his current claims subject to res judicata.

---

24 <sup>1</sup> Spelled "Followill" in the motion.

25 <sup>2</sup> The United States Marshal was unable to complete service as to Defendant Kasandra Sanchez. (ECF No. 45)  
(summons returned unexecuted; "Sanchez no longer employee and Madera Co. will not accept service. No alternate  
26 address known.")

27 <sup>3</sup> Appearing Defendants neither filed nor emailed to chambers a proposed order with respect to the motion for an  
extension of time. Counsel is reminded that Eastern District of California Local Rules require proposed orders in  
such situations. *See* Local Rule 137(c) ("If filing a document requires leave of court, such as an amended complaint  
28 after the time to amend as a matter of course has expired, counsel shall attach the document proposed to be filed as an  
exhibit to moving papers seeking such leave and lodge a proposed order as required by these Rules.").

1 (ECF No. 47). They state that they are not able to obtain a copy of the petition at this time but  
2 believe a sixty-day extension will suffice. Defendants have shown good cause for an extension.  
3 Therefore, the Court will grant their requested 60-day extension of time.

4 **B. Plaintiff's Motion for Injunctive Relief**

5 With respect to Plaintiff's motion (ECF No. 33), the Court will order Appearing  
6 Defendants to respond to Plaintiff's motion, including supporting declarations.

7 **III. CONCLUSION**

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Appearing Defendants' motion for an extension of time (ECF No. 47) is GRANTED;
- 10 2. Appearing Defendants shall respond to the Second Amended Complaint no later than  
11 March 15, 2021; and
- 12 3. Appearing Defendants shall respond to Plaintiff's motion for injunctive relief (ECF  
13 No. 33) and declarations (ECF Nos. 35, 39) within twenty-one days.

14  
15 IT IS SO ORDERED.

16 Dated: January 7, 2021

17 /s/ Eric P. Gray  
18 UNITED STATES MAGISTRATE JUDGE  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28