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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAPHAEL GRAHAM,

 Plaintiff,

 v.

WRIGHT,

 Defendant.

Case No. 1:22-cv-00504-KES-BAM (PC)

**ORDER GRANTING DEFENDANT’S
MOTION TO CHANGE TIME TO FILE
DISPOSITIVE MOTION**

(ECF No. 38)

Dispositive Motion Deadline: April 15, 2024

Plaintiff Raphael Graham (“Plaintiff”) is a state prisoner¹ proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendant Wright for violation of the Fourth Amendment for conducting the second strip search with an activated body camera, exposing Plaintiff’s genitals on camera, and for retaliation in violation of the First Amendment.

Pursuant to the Court’s May 23, 2023 discovery and scheduling order, the deadline for filing all dispositive motions (other than a motion for summary judgment for failure to exhaust) is April 1, 2024. (ECF No. 32.)

¹ Although Plaintiff’s current address of record indicates that he is no longer in custody, the Court takes judicial notice of the CDCR Inmate Locator website, which as of March 28, 2024 states that Plaintiff is in custody and housed at California State Prison, Los Angeles County. *See In re Yahoo Mail Litig.*, 7 F. Supp. 3d. 1016, 1024 (N.D. Cal. 2014) (court may take judicial notice of information on “publicly accessible websites” not subject to reasonable dispute); *Louis v. McCormick & Schmick Restaurant Corp.*, 460 F. Supp. 2d. 1153, 1155 n.4 (C.D. Cal. 2006) (court may take judicial notice of state agency records).

1 Currently before the Court is Defendant’s March 27, 2024 motion to change time to file
2 dispositive motion. (ECF No. 38.) The Court construes the motion as a motion to modify the
3 discovery and scheduling order.

4 In support of the motion, defense counsel declares that pursuant to the Court’s March 22,
5 2024 notice indicating that mail sent to Plaintiff at his address on file was returned as
6 undeliverable, defense counsel searched CDCR’s Inmate Locator website and found that Plaintiff
7 was housed at California State Prison, Corcoran (“CSP – Corcoran”). (*Id.*) Counsel contacted
8 the litigation coordinator at CSP – Corcoran to confirm Plaintiff was still housed there, and to
9 attempt to arrange a telephone call with Plaintiff to discuss potential resolution of this matter
10 without the need to file a dispositive motion. On March 27, 2024, the litigation coordinator
11 informed counsel that Plaintiff was on a transport vehicle from CSP – Corcoran to California
12 State Prison, Los Angeles County. As of the time of filing, Plaintiff had not yet been processed at
13 the new institution such that he could be contacted by phone, and Plaintiff had not yet updated his
14 address of record with the Court. Counsel therefore requests an extension of 14 days, until April
15 15, 2024, to file a dispositive motion, if necessary. (*Id.*)

16 Plaintiff has not yet had an opportunity to file a response, but the Court finds a response is
17 unnecessary. The motion is deemed submitted. Local Rule 230(1).

18 Having considered the request, the Court finds good cause to grant the requested
19 extension of the dispositive motion deadline. Fed. R. Civ. P. 16(b)(4). Defense counsel believes
20 that it may be possible to resolve this matter without the filing of a dispositive motion, and if a
21 dispositive motion is necessary, Plaintiff has not yet updated his address of record with the Court.
22 The Court finds that Plaintiff will not be prejudiced by the extension granted here. No other
23 deadlines are extended by this order.

24 **Plaintiff is advised to submit a notice of change of address with the Court as soon as**
25 **possible, to confirm his current address of record.** Failure to keep the Court informed of any
26 change of address could result in dismissal of Plaintiff’s case.

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Accordingly, IT IS HEREBY ORDERED as follows:

1. Defendant’s motion to change time to file dispositive motion, (ECF No. 38), is GRANTED;
2. The deadline for filing all dispositive motions (other than a motion for summary judgment for failure to exhaust) is EXTENDED from April 1, 2024 to **April 15, 2024**; and
3. The Clerk of the Court is DIRECTED to serve this order on Plaintiff at his current address of record **and** at California State Prison, Los Angeles County.

IT IS SO ORDERED.

Dated: March 28, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE