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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JARMAAL LARONDE SMITH,

Plaintiff,

Case No. 2:07-cv-00964 ALA (P)

vs.

LEANN CRONES, et al.,

ORDER

Defendants.

_____ /

On March 20, 2009, Plaintiff Jarmaal Smith (“Plaintiff”) informed this Court that he was transferred to California Substance Abuse Treatment Facility. (Doc. 34). In the notice, Plaintiff also alleged that he has been subject to retaliation by prison employees, and as such has not received his legal mail: namely the scheduling order entered on March 4, 2009 (Doc. 28). (*Id.* at 2). Additionally, Plaintiff stated that:

when [he] was told that he would be transferring . . . by the administrative segregation unit’s property officer . . . a verbal altercation ensued between the Plaintiff and the property officer in regards to [his] property. At this time a statement was made by the property officer to the effect of “if your legal work does not get transferred with you then get it back the best way you know how.” (*Id.* at 3). Plaintiff claimed that on March 11, 2009, when he received his property from the previous institution, none of his legal materials were present.

On April 1, 2009, Plaintiff requested additional time to conduct discovery because he still

1 has not received his legal materials. (Doc. 35). Plaintiff's request is predicated on the timeline
2 set forth in the scheduling order entered on March 4, 2009. (Doc. 28). This Court, however, has
3 revised the time permitted to conduct discovery from April 7, 2009, to May 22, 2009, after
4 considering Defendants' request for a modification of the scheduling order. (Doc. 31). It
5 appears that Plaintiff has not received this Court's order amending the scheduling order.

6 Accordingly, IT IS HEREBY ORDERED that Defendants respond to Plaintiff's request
7 for an extension of time to conduct discovery, and specifically address the difficulties Plaintiff
8 has faced receiving this Court's orders and his legal materials. Defendants' response is due on
9 or before April 10, 2009.

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11 DATED: April 6, 2009

12 /s/ Arthur L. Alarcón
13 UNITED STATES CIRCUIT JUDGE
14 Sitting by Designation
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