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 8 *Attorneys for Defendants Beasley, Callison,*
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 9 *Peddicord, Rausch, Smith, Wagner, and Wright*

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA
 12 SACRAMENTO DIVISION

14 **EDWARD MOTLEY,**
 15
 16 Plaintiff,
 17
 18 **J. SMITH, et al.,**
 19 Defendants.

No. 2:08-cv-01423 RLH-VPC

**STIPULATION FOR FORTY-DAY
 EXTENSION FOR PLAINTIFF TO FILE
 HIS OPPOSITION TO MOTIONS TO
 DISMISS AND FOR SUMMARY
 JUDGMENT AND PROPOSED ORDER**

22 On March 11, 2011, Defendants filed their motion to dismiss and motion for summary
 23 judgment. (ECF No. 63.) Under Local Rule 230(l), Plaintiff’s opposition is due on or before
 24 April 1.

25 Plaintiff requires more time to prepare his opposition because of a prison lockdown and his
 26 limited access to the prison’s law library. (Ex. A.) Defendants do not object to Plaintiff’s
 27 request.

1 Accordingly, the parties stipulate to a forty-five day extension for Plaintiff to file his
2 opposition to Defendants' motions to dismiss and for summary judgment. The opposition is now
3 due on or before May 17, 2011.

4 IT IS SO STIPULATED.

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6 Dated: March 28, 2011

Respectfully submitted,

7 KAMALA D. HARRIS
8 Attorney General of California
9 DAVID A. CARRASCO
Supervising Deputy Attorney General

10 /s/ *Diana Esquivel*

11 DIANA ESQUIVEL
12 Deputy Attorney General
Attorneys for Defendants

13 Dated: March 28, 2011

14 /s/ *Edward Motley*

15 Edward Motley¹
16 *Plaintiff pro se*

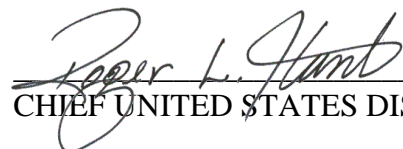
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19 ORDER

20 Based on the parties' stipulation and good cause appearing, Plaintiff shall file his opposition
21 to Defendants' motions to dismiss and for summary judgment (ECF No. 63) on or before May 17,
22 2011.

23 IT IS SO ORDERED.

24 Dated: March 28, 2011

25 
26 CHIEF UNITED STATES DISTRICT JUDGE

27 ¹ Because of his incarceration and need to timely file this stipulation, counsel could not
28 obtain Plaintiff's signature. His agreement to the stipulation is documented in Exhibit A.

Exhibit A

EDWARD MOTLEY #H56441
PO BOX - 1050 (B1-111)
SOLEDAD, CA. 93960

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

EDWARD MOTLEY,
PLAINTIFF,

✓

J. SMITH et al.,

DEFENDANTS.

CASE NO. 2:08-CV-01423 RLH-VPC

PLAINTIFF'S REQUEST FOR
STIPULATION TO AN

ADDITIONAL 45 DAYS TO
RESPOND TO DEFENDANT'S

MOTIONS TO DISMISS/SUMMARY
JUDGEMENT.

IN RECEIPT OF DEFENDANT'S RECENT MOTIONS PLAINTIFF
RESPECTFULLY REQUESTS AN ADDITIONAL 45 DAYS TO RESPOND.

DUE TO THE 24 HOUR LOCKDOWN AND ONLY 2 HOURS OF LAW
LIBRARY ACCESS A WEEK PLAINTIFF FEELS THAT 45 DAYS EXTRA
SHOULD BE SUFFICIENT FOR HIM TO RESEARCH TO RELEVANT
LAWS/RULES SO THAT HE CAN FILE A PROPER RESPONSE.

DATED: 3/15/11

/s/ Edward Motley

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Edward Motley v. J. Smith, et al.*
Case No.: 2:08-cv-1423 RLH-VPC

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **March 28, 2011**, I served the attached

**STIPULATION FOR FORTY-DAY EXTENSION FOR PLAINTIFF TO FILE HIS
OPPOSITION TO MOTIONS TO DISMISS AND FOR SUMMARY JUDGMENT AND
PROPOSED ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

Edward Motley (H-56441)
Salinas Valley State Prison
P.O. Box 1050
Soledad, CA 93960-1050
In pro per

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct and that this declaration was executed on March 28, 2011, at Sacramento, California.

D. Jones
Declarant

/s/ D. Jones
Signature