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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT TUNSTALL,
Plaintiff,
v.
MIKE KNOWLES, et al.,
Defendants.

No. 2:08-cv-3176 WBS KJN (PC)

ORDER

Plaintiff is a state prisoner, proceeding through counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims defendant prison officials at California Medical Facility (CMF) have violated his federal constitutional and statutory rights by denying him access to sign language classes. In his complaint (ECF No.1) plaintiff sought injunctive relief and money damages. By order filed September 7, 2010 (ECF No. 95), the district court dismissed plaintiff's request for prospective injunctive relief on his claims under the Americans with Disability Act (ADA) without prejudice to plaintiff's right seek relief as a member of the Armstrong class.¹ On February 15, 2012, defendants renewed a previously filed motion for summary judgment (ECF No. 163).

¹ Armstrong v. Brown is a class action proceeding in the United States District Court for the Northern District of California. At all times relevant to this action it has been in the remedial phase.

1 On July 25, 2013, the court issued an order setting this case for a mandatory settlement
2 conference and denying defendants’ renewed motion for summary judgment without prejudice.
3 (ECF No. 174.) A settlement conference was held on October 13, 2013 before the Honorable
4 Dale A. Drozd, but the parties did not reach a settlement. (ECF No. 184.) A further settlement
5 conference was held on February 18, 2014. (ECF No. 196.) Again, the parties were unable to
6 settle this case. No further settlement conferences have been scheduled.

7 In its July 25, 2013 order, the court stated that it would, “if necessary, issue a further order
8 setting new deadlines for dispositive motions should the case continue after the mandatory
9 settlement conference.” (ECF No. 174 at 2, n.3.) Good cause appearing, the court will now set a
10 new deadline for the filing of dispositive motions. The deadline for filing dispositive motions in
11 this action is extended to **April 17, 2014**.

12 Furthermore, the court highlighted in its July 25, 2013 order the possible need for further
13 briefing on central issues related to the availability of individual injunctive relief in this action.
14 (ECF No. 174 at 2.) In particular, the court discussed the possible need for additional briefing
15 addressing the applicability of the Ninth Circuit Court of Appeals’ recent holding in Pride v.
16 Correa, 719 F.3d 1130 (9th Cir. 2013) that the consent decree issued in another class action
17 against the California Department of Corrections and Rehabilitation² does not bar “[i]ndividual
18 claims for injunctive relief related to medical treatment” brought by inmates seeking
19 individualized relief. Id. at 1137. Accordingly, the court will require the parties to address the
20 application of Pride to this action in any dispositive motion filed under the new deadline set out
21 above.

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27 ² Plata v. Brown, No. 01-1351 TEH, also is pending in the United States District Court for the
28 Northern District of California and also is in the remedial phase.

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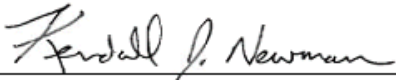
In accordance with the above, IT IS HEREBY ORDERED that:

1. The deadline for filing dispositive motions in this action is extended to **April 17, 2014**.

2. The parties shall address the application of Pride v. Correa, 719 F.3d 1130 (9th Cir. 2013) to this action in any dispositive motion filed under the new deadline set out above.

Dated: March 6, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE