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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MADERO POUNCIL,

NO. CIV. S-09-1169 LKK/CMK P

Plaintiff,

v.

O R D E R

JAMES TILTON, et al.,

Defendant.

_____ /

On April 9, 2010, defendants requested that this court certify its order denying in part their motion to dismiss for appeal to the Ninth Circuit. On April 19, 2010, the court denied the request as to all questions except whether plaintiff's claims are barred by the statute of limitations. The court ordered plaintiff to file an opposition to defendants' request as to the remaining question within forty-five days. On May 15, 2010, plaintiff filed an opposition to defendants' request.¹ On May 24, 2010, defendants

¹ Plaintiff states in his opposition that he is unable to review Henderson v. Hubbard, 2010 WL 599886, 1:08 CV 01632 OWW YNP

1 filed a reply brief in support of their request.

2 The court has considered the memoranda filed in this case, and
3 CERTIFIES for interlocutory appeal the question of whether
4 plaintiff's claims are barred by the statute of limitations to the
5 Ninth Circuit Court of Appeals.

6 IT IS SO ORDERED.

7 DATED: June 9, 2010.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

20 _____
21 SMS (PC) (E.D. Cal. Feb. 18, 2010), an unpublished case. The court
22 grants defendant's request for interlocutory appeal largely due to
23 this opinion, which is in disagreement with this court's order.
24 Under the current version of E.D. Cal. Local Rule 133(i)(3),
25 parties are no longer required to attach unpublished decisions that
26 are available on Westlaw or Lexis to their memoranda of law. While
this amended rule is reasonable in the court's general civil
practice, it appears to cause significant burden on pro se
prisoners who lack access to Westlaw or Lexis. Because the court
certifies the question for appeal in large part because of the
difference of opinion on the question, the court attaches the
Henderson opinion to this order in the interests of fairness.