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

DEAVON E. TORRENCE,

Plaintiff,

No. 2:10-cv-1222 KJN P

vs.

F. HSEUH, M.D., et al.,

Defendants.

ORDER

_____ /

Plaintiff has requested an extension of time to file his response to defendants’ affirmative defenses and answers to discovery requests, and to locate defendants Champion and Hsueh. Plaintiff also seeks an order requiring prison officials to provide plaintiff his legal materials and access to the law library. Plaintiff states he has been placed in administrative segregation.

First, Rule 7 of the Federal Rules of Civil Procedure provides as follows:

There shall be a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim; a third-party complaint, if a person who was not an original party is summoned under the provisions of Rule 14; and a third-party answer, if a third-party complaint is served. No other pleading shall be allowed, except that the court may order a reply to an answer or a third-party answer.

Fed. R. Civ. P. 7(a) (emphasis added). The court has not ordered plaintiff to reply to defendants’

1 answer and declines to make such an order. Therefore, plaintiff's request for an extension of
2 time to file a response to defendants' affirmative defenses is denied.

3 Plaintiff seeks an extension of time to respond to defendants' discovery requests.
4 Defendants have filed a nonopposition to the extension provided that defendants are granted an
5 equal amount of time in which to review the responses and bring a motion to compel, if
6 necessary. The discovery deadline expires June 3, 2011. Good cause appearing, plaintiff is
7 granted thirty days from the date of this order to provide responses to the discovery requests
8 propounded by defendants. Defendants shall have thirty days from the date plaintiff's responses
9 are mailed to file a motion to compel, if any, to plaintiff's responses, even if this thirty day period
10 falls outside the discovery deadline. Defendants shall refer to the instant order if such a motion
11 to compel is filed. In all other respects, however, the discovery deadline expires June 3, 2011.

12 With regard to locating defendants Hseuh and Champion, plaintiff was to provide
13 service forms for defendant Hseuh by April 24, 2011 (dkt. no. 28) and for defendant Champion
14 by May 8, 2011 (dkt. no. 32). Good cause appearing, plaintiff will be granted an extension of
15 time to locate these defendants. Plaintiff shall complete and submit the required documents for
16 service of process on defendants Hseuh and Champion on or before June 15, 2011. No further
17 extensions of time will be granted. Failure to provide the service forms as required by this
18 court's February 24, 2011 and March 8, 2011 orders will result in a recommendation that
19 plaintiff's claims against defendants Hseuh and Champion be dismissed without prejudice.

20 Finally, the court turns to plaintiff's unsupported request that the court provide
21 plaintiff "an order to obtain [his] legal work and access to the law library." (Dkt. No. 35.) The
22 court record reflects plaintiff was recently transferred from California Medical Facility in
23 Vacaville, California, to California Men's Colony East in San Luis Obispo, California. (Dkt. No.
24 31.) Prisons have procedures in place for inmates housed in administrative segregation to seek
25 their legal materials, to request materials from the prison law library, as well as to request
26 attendance at the law library. Plaintiff has failed to demonstrate that he has availed himself of

1 those procedures. Accordingly, plaintiff's request will be denied without prejudice.

2 For the above reasons, IT IS HEREBY ORDERED that:


3 1. Plaintiff's March 17, 2011 motion for extension of time to file his response to
4 defendants' affirmative defenses (dkt. no. 35) is denied.

5 2. Plaintiff's March 17, 2011 motion for extension of time to provide responses
6 to defendants' discovery requests is granted; plaintiff is granted thirty days from the date of this
7 order in which to file and serve his discovery responses. Defendants are granted thirty days from
8 the date plaintiff's responses are mailed to file a motion to compel, if any, to plaintiff's
9 responses, even if this thirty day period falls outside the discovery deadline. In all other respects,
10 the discovery deadline remains June 3, 2011. If defendants file a motion to compel further
11 responses to these discovery responses, defendants shall refer to the instant order in the motion.

12 3. Plaintiff is granted up to and including June 15, 2011, in which to complete
13 and submit the required documents for service of process on defendants Hseuh and Champion.
14 (Dkt. Nos. 28 and 32.) No further extensions of time will be granted.

15 4. Plaintiff's March 17, 2011 request for an order to obtain legal materials or law
16 library access (dkt. no. 35) is denied without prejudice.

17 DATED: April 5, 2011

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20 KENDALL J. NEWMAN
21 UNITED STATES MAGISTRATE JUDGE

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