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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL JESUS ARZAGA,  
Plaintiff,  
v.  
CRAIG LOVETT,  
Defendant.

No. 2:11-cv-3303 JAM EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. The court appointed counsel for plaintiff for the limited purpose of filing an amended complaint. ECF No. 28. That complaint was filed on November 26, 2013. ECF No. 30. For screening purposes under 28 U.S.C. § 1915A, the court found that the complaint stated a cognizable claim against defendant Lovett. ECF No. 31. Lovett was subsequently served with the complaint and filed a motion to dismiss. ECF Nos. 37, 39. When plaintiff failed to timely oppose the motion, the court issued an order to plaintiff to submit either an opposition or statement of no opposition by January 9, 2015. ECF No. 40.

In response to the court’s order, plaintiff has filed a brief motion asking for an extension of time to file his opposition. ECF No. 41. Plaintiff states that he is currently housed in a state hospital where he cannot access pens, paper, or legal materials. *Id.* Plaintiff asks that the court grant him a “meaningful amount of time” to file an opposition. *Id.* Defendant opposes the

1 request, arguing that, without counsel, plaintiff will likely be unable to draft an opposition brief.  
2 ECF No. 42.

3 The court finds that, because plaintiff alleges that he is currently being housed without  
4 access to the necessary materials to draft his opposition brief, it would be inappropriate to deny  
5 the requested extension of time. However, the court requires more information before it can  
6 determine the appropriate length of such extension.

7 Accordingly, it is hereby ORDERED that:

- 8 1. Within 21 days of the date of this order, defense counsel shall coordinate with  
9 counsel for the California Department of Corrections and Rehabilitation to  
10 determine plaintiff's housing status, including: (1) where plaintiff is currently  
11 housed; (2) if plaintiff is not currently housed at his normal institution of  
12 incarceration, when plaintiff is expected to be returned to that institution; and (3)  
13 whether plaintiff currently has access to pens, paper, his legal materials, and a law  
14 library.
- 15 2. Upon receipt of the above information, the court will rule on plaintiff's January 9,  
16 2015 request for an extension of time.

17 DATED: January 29, 2015.

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19 EDMUND F. BRENNAN  
20 UNITED STATES MAGISTRATE JUDGE  
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