

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PETER T. HARRELL,  
  
  Plaintiff,  
  
  v.  
  
HORNBROOK COMMUNITY  
SERVICES DISTRICT, et al.,  
  
  Defendants.

No. 2:14-cv-1595 KJM GGH PS

ORDER

Plaintiff is proceeding pro se with this civil rights action seeking relief pursuant to 42 U.S.C. §§ 1983, 1985, 1986, and 1988.

Plaintiff has filed an objection to defendant Winston’s motion to dismiss and to strike, as well as an alternative request for extension of time of forty-five days in which to respond to the motion. Plaintiff’s objections to defendant’s motion are that the motion to dismiss and motion to strike are combined, that they include improper requests for judicial notice, that they argue facts that are not in the complaint, that they hold plaintiff to a higher standard of pleading than is provided by Fed. R.Civ.P. 8, and that they misrepresent certain facts. Plaintiff’s assertions are either unfounded or inappropriately brought as objections. See Fed. R. Civ. P. 12(b)(6). Pro se pleadings are liberally construed. See Haines v. Kerner, 404 U.S. 519, 520-21, 92 S. Ct. 594, 595-96 (1972); Balistreri v. Pacifica Police Dep’t, 901 F.2d 696, 699 (9th Cir. 1988). Plaintiff

1 may raise his objections within his opposition, for which he will be granted a limited extension of  
2 time to file.

3 Accordingly, IT IS ORDERED that:

4 1. Plaintiff's objection and request for extension of time, filed March 25, 2015, (ECF No.  
5 18), is granted in part and denied in part.

6 2. Plaintiff is granted **thirty** days from the date of this order in which to file an  
7 opposition. Defendant's reply, if any, shall be filed within seven days thereafter.

8 3. Defendant Winston's motion to dismiss and to strike, (ECF No. 14), is vacated from  
9 the calendar for April 16, 2015, and will be taken under submission after all briefs are filed. The  
10 matter will be re-scheduled for hearing only if the court determines a hearing is necessary.

11 Dated: March 31, 2015

12 /s/ Gregory G. Hollows

13 UNITED STATES MAGISTRATE JUDGE

14  
15  
16  
17 GGH:076/Harrell1595.eot  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28