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8 Attorneys for Defendant, RODNEY JACKSON

9 **UNITED STATES DISTRICT COURT**
 10 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 REAHDEEN ROBERTSON, #G-19614,

12 Plaintiff,

13 vs.

14 RODNEY JACKSON-CORRECTIONAL
15 OFFICER,

16 Defendant.

17 SUED IN INDIVIDUAL AND OFFICIAL
18 CAPACITY

19 Case No. 2:16-cv-1871 JAM EFB P

20 **REQUEST FOR EXTENSION OF TIME**
 21 **TO FILE DISPOSITIONAL**
 22 **DOCUMENTS; DECLARATION OF**
 23 **PETER C. ZILAFF IN SUPPORT OF AND**
 24 **[PROPOSED] ORDER**

25 COMES NOW Defendant Rodney Jackson and hereby requests an extension of 60 days
 26 to file dispositional documents in accordance with the parties’ June 20, 2017 settlement
 27 agreement or, in the alternative, to move for enforcement of the agreement. On September 20,
 28 2017, the Court granted an extension of 45 days based on Defendant’s request and declaration in
 support thereof. (ECF 25). That request detailed Plaintiff’s acknowledgement that he was in
 receipt of all dispositional documents and his promise to sign and return to defense counsel for
 filing. (ECF 24). Since the Court’s order, defense counsel has reached out to Plaintiff on multiple
 occasions by telephone and email correspondence with no response. (Decl. Zilaff ¶¶3, 5). In
 addition, Plaintiff was recently re-arrested and sentenced on felony charges, and is currently
 incarcerated at Twin Towers Correctional Facility in Los Angeles, California. (Id., ¶4). Given
 the Court’s emphasis in its original July 25, 2017 Order (ECF 23) to file dispositional documents

1 as well as the interests of judicial economy, Defendant respectfully requests further extension of
2 60 days to file the dispositional documents or appropriate motion.

3 Dated: November 3, 2017

LONGYEAR, O'DEA & LAVRA, LLP

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5 By: /s/ Peter C. Zilaff
VAN LONGYEAR
6 PETER C. ZILAFF
Attorneys for Defendant,
7 RODNEY JACKSON
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1 I, PETER C. ZILAFF, declare:

2 1. I am an attorney licensed to practice before all the courts of the State of California
3 and the United States District Court for the Eastern District. I am an associate at Longyear,
4 O'Dea and Lavra, LLP.

5 2. I am the attorney of record for the defendant in the above-entitled matter.

6 3. Subsequent to the Court's September 20, 2017 Order granting an extension, I
7 reached out to the Plaintiff on numerous occasions as follows. On October 6, 2017, I called and
8 left a voicemail for Plaintiff to inquire about the status of the dispositional documents, and again
9 informed Plaintiff of the Court's most recent orders and filing deadline. On October 16, 2017, I
10 called and left a voicemail for Plaintiff to inquire about the status of the return of documents, and
11 again informed Plaintiff of the Court's most recent orders and filing deadline. I also emailed
12 Plaintiff at his provided email address, stating that our office had not yet received the
13 dispositional documents as he previously agreed. I attached the dispositional documents to the
14 email correspondence. A true and correct copy of my email correspondence to Plaintiff is
15 attached hereto as Exhibit A, less the attached copies of the settlement agreement, stipulation for
16 dismissal and State payee data form.

17 4. On November 3, 2017, I checked the Los Angeles County Sheriff's Department
18 Inmate Information Center website for information regarding Plaintiff.
19 (<https://app5.lasd.org/iic/>). I learned from the Sheriff's Department inmate search feature that
20 Plaintiff was arrested and booked on felony charges on October 17, 2017, and is currently
21 incarcerated at Twin Towers Correctional Facility in Los Angeles, California. From the
22 information provided by the search, Plaintiff received a 180 day sentence on October 29, 2017.

23 5. As of the date of this filing, Mr. Robertson has yet to contact me or my office by
24 any means and advise of the status of the documents and/or return such dispositional documents.

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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct and that this declaration was signed on the 3rd day of November
3 2017, Sacramento, California.

4 By: /s/ Peter C. Zilaff

5 PETER C. ZILAFF
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1 [PROPOSED] ORDER

2 The Court having reviewed Defendant's request for an extension of time to file
3 dispositional documents hereby grants said request.

4 Dispositional documents are to be filed 60 days from the date of this Order.

5 Dated: November 6, 2017

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7 EDMUND F. BRENNAN
8 UNITED STATES MAGISTRATE JUDGE
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