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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICKY RAY KEEL,
Plaintiff,
v.
PINE, *et al.*,
Defendants.

Case No. 2:16-cv-01946-TLN-JDP (PC)
ORDER DIRECT DEFENDANTS TO
RESERVE THEIR MOTION TO DISMISS
ECF No. 51

On March 24, 2021, defendants filed a motion to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). ECF No. 51. Defendants served plaintiff by mailing him a copy of the motion to California State Prison Los Angeles County. ECF No. 21 at 3. Shortly thereafter, plaintiff filed a notice of change of address, which notified the court and defendants that he had been moved to Salinas Valley State Prison. ECF No. 53. The docket does not reflect that defendants reserved their motion on plaintiff at his new address, and plaintiff has not filed a response to defendants' motion. Thus, it appears that plaintiff never received a copy of defendants' motion to dismiss.

Accordingly, it is hereby ORDERED that:

1. Within seven days of the date of this order, defendants shall reserve their motion to dismiss on plaintiff at his new address of record:

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Ricky Ray Keel
C-34945
Salinas Valley State Prison (1050)
PO Box 1050
Soledad, CA 93960-1050

2. Defendants shall also file with the court, within seven days of this order, a new proof of service.

3. Within twenty-one days of service, plaintiff shall file either an opposition or a statement of non-opposition to defendants' motion.

4. Defendants may file a reply to plaintiff's opposition, if any, seven days thereafter.

IT IS SO ORDERED.

Dated: May 4, 2021



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE