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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
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8 FRANCISCO GONZALEZ,

No. C 07-2303 MHP (pr)

9 Plaintiff,

**ORDER EXTENDING DEADLINES
ON MARINO'S DISPOSITIVE
MOTION**

10 v.

11 D. L. RUNNELS; et al.,

12 Defendants.
13 _____/

14 Plaintiff has filed a request for a 90-day extension of the July 9, 2010 deadline for him
15 to file his opposition to defendant Marino's motion to dismiss and for summary judgment that
16 was filed on June 8, 2010. The court will GRANT the request in part, and permit a limited
17 extension of time for plaintiff to file his opposition. (Docket # 131.)

18 Although plaintiff has only had Marino's motion for summary judgment for a month,
19 that motion makes the same basic argument (i.e., that plaintiff did not have an untreated
20 serious medical need with regard to his shoulder) made by the other defendants' motion for
21 summary judgment that has been pending since November 9, 2009. Plaintiff has had more
22 than enough time to assemble an opposition to that point. In his request for an extension of
23 time, plaintiff also complained about various medical concerns he now has, but those
24 medical problems are beyond the scope of this action. The court having granted several
25 defendants' motions to dismiss and for summary judgment regarding other medical claims
26 asserted by plaintiff, the only claim remaining for adjudication in this action is whether
27 defendants acted with deliberate indifference to plaintiff's shoulder problems. To the extent
28 plaintiff wants to assert different medical claims, he can file a new action after exhausting
administrative remedies for any such claims. Plaintiff also states that he has not received the

1 health care review committee files for six months, but fails to explain the significance of
2 those records to his shoulder problems and fails to explain whether they are not within
3 documents he has already obtained. The court notes that plaintiff has already filed hundreds
4 and hundreds of pages of medical records in the three years this case has been pending, and
5 that Dr. Sayre filed 420+ pages of plaintiff's medical file with his declaration in support of
6 his motion for summary judgment.

7 Several months ago, plaintiff filed a motion for a 60-day extension of time to send
8 pleadings and discovery to defendants. The motion is DENIED. (Docket # 118.) Plaintiff
9 did not need to deliver pleadings to anyone because the Marshal serves process on
10 defendants where, as here, the plaintiff is proceeding as a pauper. Plaintiff did not need
11 permission to send discovery requests.


12 The court now sets the following briefing schedule on defendant Marino's motion to
13 dismiss and for summary judgment:

14 1. Plaintiff must file and serve his opposition to Marino's motion to dismiss and
15 for summary judgment no later than **August 27, 2010**. No further extensions of this deadline
16 will be permitted. If plaintiff does not file an opposition to the motion by that deadline, the
17 motion will be deemed unopposed.

18 2. Defendant's reply, if any, must be filed and served no later than **September 10,**
19 **2010**.

20 IT IS SO ORDERED.

21 Dated: July 28, 2010


Marilyn Hall Patel
United States District Judge