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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEENAN WILKINS,
Plaintiff,
v.
SHERIFF GREG AHERN, et al.,
Defendants.

No. C 08-1084 MMC (PR)

**ORDER GRANTING PLAINTIFF’S
SECOND APPLICATION FOR
EXTENSION OF TIME TO OPPOSE
DEFENDANTS’ MOTION TO DISMISS
AND SEVER; REQUESTING ALAMEDA
COUNTY SHERIFF ALLOW PLAINTIFF
REASONABLE ACCESS TO LEGAL
MATERIALS; DIRECTIONS TO CLERK**

(Docket No. 298)

On February 22, 2008, plaintiff, a pretrial detainee then incarcerated at the Santa Rita County Jail (“SRCJ”) and proceeding pro se, filed the above-titled civil rights action under 42 U.S.C. § 1983.¹ The operative pleading in the instant action is plaintiff’s Second Amended Complaint (“SAC”), a sixty-page document that the Court previously determined stated the following cognizable claims for relief, based on events that allegedly occurred between March 2007 and December 2008, during which time plaintiff was incarcerated at the SRCJ: (1) retaliation, (2) unconstitutional conditions of confinement, (3) unlawful use of

¹Plaintiff currently is incarcerated at the Glenn Dyer Detention Facility in Oakland.

1 excessive force, (4) denial of due process, (5) denial of medical care, and (6) denial of mental
2 health care. Pursuant to the Court's order of service, the SAC was served on approximately
3 sixty defendants. (Docket No. 19.)

4 On September 24, 2010, the Court granted summary judgment in favor of the
5 defendants against whom plaintiff asserted claims for denial of medical and mental health
6 care. (Docket No. 242). On June 20, 2011, the remaining defendants filed a Motion to
7 Dismiss Misjoined Parties and to Sever Claims ("Motion to Sever"), asking that the
8 remaining claims be divided into three separate lawsuits. (Docket No. 294.)

9 Now before the Court is plaintiff's Ex Application for Extension of Time, by which
10 plaintiff seeks an extension of the September 16, 2011 deadline to file opposition to
11 defendants' Motion to Sever. (Docket No. 298.) Plaintiff states he has been unable to meet
12 the filing deadline because jail officials have confiscated his legal documents. The instant
13 application is plaintiff's second such request based on the same grounds. (See Docket No.
14 296.) Additionally, plaintiff has submitted numerous letters similarly claiming denial of
15 access to legal documents. (See Docket Nos. 262, 263, 266, 267, 288.)

16 Plaintiff has not shown, however, what legal documents are relevant or necessary to
17 his opposition to defendants' motion to sever. The limited issue presented by said motion is
18 whether plaintiff's claims against the remaining defendants are so factually and/or legally
19 related that they belong in the same lawsuit. See Fed. R. Civ. P. 20(a)(2).

20 Nevertheless, the Court will afford plaintiff one additional extension for the purpose
21 of filing his opposition and, in addition, will request the Alameda County Sheriff provide him
22 reasonable access to his legal materials.

23 Accordingly, the Court hereby rules as follows:

24 1. Plaintiff's second Application for an Extension of Time to oppose defendants'
25 Motion to Sever is hereby GRANTED. Plaintiff shall file his opposition no later than
26 November 1, 2011. Defendants shall file a reply brief no later than fifteen (15) days after
27 plaintiff's opposition is filed. No further extensions will be granted.

28 2. The Alameda County Sheriff is hereby REQUESTED to provide plaintiff access to

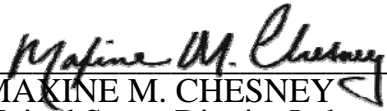
1 his legal materials, to the extent such access is consistent with security concerns and other
2 applicable policies and procedures of the facility.

3 3. The Clerk is hereby DIRECTED to serve a copy of this order on the Alameda
4 County Sheriff, 1401 Lakeside Drive, 12th Floor, Oakland, CA 94612.

5 This order terminates Docket No. 298.

6 IT IS SO ORDERED.

7 DATED: September 19, 2011

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9 MAKINE M. CHESNEY
10 United States District Judge

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