IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARVIN G. HOLLIS,

Plaintiff,

v.

DEBRA HERRICK, L.P.T., et al.,

Defendants.

_____/

No. C 08-3154 TEH (PR)

ORDER GRANTING EXTENSION OF TIME TO RESPOND TO MOTION TO DISMISS AND STAYING DISCOVERY

Plaintiff Marvin Hollis, a prisoner currently incarcerated at California State Prison - Sacramento ("CSP-Sacramento") in Sacramento, California, filed a pro se civil rights Complaint under 42 U.S.C. § 1983. Doc. #1. On February 23, 2010, the Court dismissed this action. Doc. #37. In dismissing the action, the Court found that Plaintiff's Complaint failed to state a First Amendment claim against defendants Schlitz, Selby and Rankin. The Court dismissed defendant Herrick as a defendant because the summons served on Defendant Herrick was returned unexecuted. See Doc. #37 at 2 fn. 1 (citing Doc. #12).

On July 5, 2011, the Ninth Circuit Court of Appeals

affirmed the dismissal of the retaliation claims against defendants Schlitz, Selby and Rankin for failure to state a claim. The Ninth Circuit vacated and remanded for the district court to consider Plaintiff's allegations that he was denied his due process rights and whether there was good cause for the failure to serve defendant Herrick, or whether, absent good cause, an extension was warranted. Doc. #43. Accordingly, this case was reopened.

Plaintiff has filed a motion to reopen this case. Doc. #51. Defendants have filed a motion to revoke Plaintiff's in forma pauperis status, a renewed motion to dismiss, and a motion to stay discovery pending the resolution of the renewed motion to dismiss. Doc. #48. Plaintiff seeks a 30-day extension of time to file his response to Defendants' motion to dismiss. Doc. #52.

Plaintiff's request for an extension of time is GRANTED. Doc. #52. Plaintiff shall file his opposition to the renewed motion to dismiss by July 31, 2012. No other extensions of time will be granted. Plaintiff's request to reopen this case is DENIED as moot. Doc. #51. Defendants' motion to stay discovery pending the resolution of the renewed motion to dismiss is GRANTED. Doc. #48. The Court will address all other pending motions after deciding the renewed motion to dismiss.

IT IS SO ORDERED.

DATED 06/19/2012

THELTON E. HENDERSON
United States District Judge

G:\PRO-SE\TEH\CR.08\Hollis-08-3154-eot to file opp to mtd stay discovery.wpd