

1 EDMUND G. BROWN JR.
 Attorney General of California
 2 THOMAS S. PATTERSON
 Supervising Deputy Attorney General
 3 NEAH HUYNH
 Deputy Attorney General
 4 State Bar No. 235377
 455 Golden Gate Avenue, Suite 11000
 5 San Francisco, CA 94102-7004
 Telephone: (415) 703-5720
 6 Fax: (415) 703-5843
 E-mail: Neah.Huynh@doj.ca.gov
 7 *Attorneys for Defendants Hill, Ingraham, Rivero,
 and Verdesoto*

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 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

<p>13 THURSTON B. MCAFEE, 14 Plaintiff, 15 v. 16 CURRY, et al., 17 Defendants.</p>	<p>C 09-2497 MHP (PR) SECOND STIPULATION AND PROPOSED AMENDED ORDER SETTING BRIEFING SCHEDULE FOR DEFENDANTS' DISPOSITIVE MOTION Judge: The Honorable Marilyn H. Patel</p>
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19 Plaintiff Thurston McAfee and Defendants (through their counsel) stipulate to the
 20 following revised deadlines for Defendants' anticipated dispositive motion.
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22 Defendants' dispositive motion is due September 7, 2010.

23 Plaintiff's opposition is due October 7, 2010.^{1/}

24 Defendants' reply is due October 22, 2010.

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 26 ¹ Should Plaintiff need additional time to oppose dismissal, Defendants agreed not to
 27 oppose such a request. At Plaintiff's option, he shall request more time with the Court by filing a
 28 motion or ask Defendants to file an amended stipulation and proposed order reflecting the
 requested extension.

1 In support, the parties state the following:

2 (1) The parties are still conducting and responding to written discovery. For instance,
3 Defendant Hill's response to Plaintiff's second set of interrogatories is due August 12, 2010.

4 (2) Defendants recently took photographs of the kitchen (including the dining halls where
5 the riot occurred) and will forward them to Plaintiff as an attachment to an interrogatory.

6 (3) Plaintiff is currently preparing questions for inmate-witness Cecil Davis, who is
7 incarcerated at California Men's Colony in San Luis Obispo, California. Plaintiff is incarcerated
8 at Ironwood State Prison in Blythe, California. Because inmates are not permitted to
9 communicate with each other directly, Defendants agreed to ask the prison's litigation
10 coordinator to forward the questions (so long as the questions are relevant to the events at issue in
11 this lawsuit) to Mr. Davis for a response. Should Mr. Davis respond, Defendants will forward
12 such response to Mr. McAfee.

13 (4) Thus, additional time is needed to conduct adequate discovery in preparation for
14 Defendants' anticipated dispositive motion, including an anticipated opposition to that motion.

15 (5) This request is not made for any purpose of harassment, undue delay, or any improper
16 reason.

17 (6) This request is the parties' second stipulation concerning a briefing schedule for
18 Defendants' anticipated dispositive motion.

19 The parties so stipulate.

20 8/2/10 /s/ Thurston McAfee
21 Date Thurston McAfee, Plaintiff in Pro Se

22 8/2/10 /s/ Neah Huynh
23 Date Neah Huynh, Deputy Attorney General
24 Counsel for Defendants

25 *****

JUL/28/2010/MON 02:12 PM ATTORNEY GENERAL

FAX No. 415 703 5743

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In support, the parties state the following.

(1) The parties are still conducting and responding to written discovery. For instance, Defendant Hill's response to Plaintiff's second set of interrogatories is due August 12, 2010.

(2) Defendants recently took photographs of the kitchen (including the dining halls where the riot occurred) and will forward them to Plaintiff as an attachment to an interrogatory.

(3) Plaintiff is currently preparing questions for inmate-witness Cecil Davis, who is incarcerated at California Men's Colony in San Luis Obispo, California. Plaintiff is incarcerated at Ironwood State Prison in Blythe, California. Because inmates are not permitted to communicate with each other directly, Defendants agreed to ask the prison's litigation coordinator to forward the questions (so long as the questions are relevant to the events at issue in this lawsuit) to Mr. Davis for a response. Should Mr. Davis respond, Defendants will forward such response to Mr. McAfee.

(4) Thus, additional time is needed to conduct adequate discovery in preparation for Defendants' anticipated dispositive motion, including an anticipated opposition to that motion.

(5) This request is not made for any purpose of harassment, undue delay, or any improper reason.

(6) This request is the parties' second stipulation concerning a briefing schedule for Defendants' anticipated dispositive motion.

The parties so stipulate.

8-2-10

Date

8/2/10

Date

Thurston McAfee
Thurston McAfee, Plaintiff in D-6 Se

Neah Huynh
Neah Huynh, Deputy Attorney General
Counsel for Defendants

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In accordance with the parties' stipulation, it is so ordered.

8/3/2010
Date

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The Honorable Marilyn H. Patel
United States District Court

CERTIFICATE OF SERVICE

Case Name: T. McAfee v. Curry, et al. No. C 09-2497 MHP (PR)

I hereby certify that on August 2, 2010, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

SECOND STIPULATION AND [PROPOSED] AMENDED ORDER

SETTING BRIEFING SCHEDULE FOR DEFENDANTS' DISPOSITIVE MOTION

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. On August 2, 2010, I have mailed the foregoing document(s) by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within three (3) calendar days to the following non-CM/ECF participants:

Thurston McAfee (B-95737)
Ironwood State Prison
P. O. Box 2199
Blythe, CA 92226-2199
In Pro Se

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 2, 2010, at San Francisco, California.

A. Navarro
Declarant

/s/ A. Navarro
Signature