

1 and served upon defendants no later than thirty days from the date the motion is filed.
2 Plaintiff must read the attached page headed "NOTICE -- WARNING," which is
3 provided to him pursuant to *Rand v. Rowland*, 154 F.3d 952, 953-954 (9th Cir. 1998) (en
4 banc), and *Klinge v. Eikenberry*, 849 F.2d 409, 411-12 (9th Cir. 1988).

5 If defendants file an unenumerated motion to dismiss claiming that plaintiff failed
6 to exhaust his available administrative remedies as required by 42 U.S.C. § 1997e(a),
7 plaintiff should take note of the attached page headed "NOTICE -- WARNING
8 (EXHAUSTION)." See *Wyatt v. Terhune*, 315 F.3d 1108, 1120 n. 4 (9th Cir. 2003)


9 Defendants shall file a reply brief no later than **fifteen (15) days** after Plaintiff's
10 opposition is filed.

11 The motion shall be deemed submitted as of the date the reply brief is due. No
12 hearing will be held on the motion unless the Court so orders at a later date.

13 All other provisions of the February 10, 2011, Order of Service not inconsistent
14 with this Order remain in effect.

15 IT IS SO ORDERED.

16 DATED: September 19, 2011

17 
18 _____
JEFFREY S. WHITE
United States District Judge

1
2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA
5

6 VERNON J. DUNBAR JR.,

Case Number: CV09-03631 JSW

7 Plaintiff,

CERTIFICATE OF SERVICE

8 v.

9 OAKLAND POLICE DEPARTMENT et al,

10 Defendant.
_____ /

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
Court, Northern District of California.

13 That on September 19, 2011, I SERVED a true and correct copy(ies) of the attached, by placing
14 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
15 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
delivery receptacle located in the Clerk's office.

16
17 Vernon J. Dunbar
34 Doral Way
18 G52915
cell 510-931-3387
19 Antioch, CA 94509

20 

21 Dated: September 19, 2011

22 Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk
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