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

ROBERT S. MILTON,

No. C 09-5785 WHA (PR)

Plaintiff,

**ORDER GRANTING EXTENSION
OF TIME**

v.

F. JACQUEZ, Warden; M. CATE,
Secretary of the California Department
of Corrections and Rehabilitation;
C.M. PATTEN, Captain; J. AKIN,
Lieutenant; D. W. BRADBURY,
Associate Warden; CHAUCER,
Sergeant; J. FRISK, Sergeant; C.
PARRY, Lieutenant,

(Docket No. 22)

Defendants.

Plaintiff, a California prisoner proceeding pro se, has filed a civil rights complaint under 42 U.S.C. 1983. On January 7, 2010, the complaint was ordered served upon defendants F. Jacquez, C.M. Patten, J. Akin, D. W. Bradbury, Chaucer, J. Frisk, C. Parry, and M. Cate. Defendants were ordered to file, within ninety days, a motion for summary judgment or other dispositive motion, or a notice that they are of the opinion that this case cannot be resolved by dispositive motion. On July 7, 2010, defendants filed an answer, but they have not filed either the dispositive motion or the notice that they were ordered to file. Their deadline was extended to August 13, 2010, but still they did not comply with the deadline. On December 10, 2010, nearly four months after the deadline expired, defendants have asked for a further extension of time to February 10, 2010. Their only explanation is that they have had too much other work to

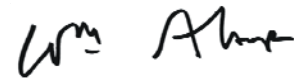
1 do to complete the necessary depositions.

2 The request for an extension of time will be **GRANTED**, and if they wish to file a
3 dispositive motion they must do so, in compliance with the order of service, on or before
4 **February 10, 2010**. Given defendants' history of not complying with the court's deadlines,
5 however, no further extensions of time will be granted for any reason and defendants' will not
6 be given another opportunity to file a dispositive motion in this matter.

7 Plaintiff's opposition is due on or before **March 10, 2010**. Defendants **shall** file a reply
8 brief within **14 days** of the date the opposition is filed; if defendants fail to file a timely reply
9 brief, their motion may be denied on that basis.

10 **IT IS SO ORDERED.**

11 Dated: December 23, 2010



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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