1 2 3 4 5 6 7 IN THE UNITED STATES DISTRICT COURT 8 FOR THE NORTHERN DISTRICT OF CALIFORNIA 9 10 RAYMOND MANZANILLO, No. C 10-3783 JSW (PR) 11 Plaintiff. ORDER GRANTING **EXTENSIONS OF TIME AND** 12 v. MOTION TO SERVE NEW **DEFENDANTS: DENYING** 13 FRANCISCO JACQUEZ, R. GRAVES, MOTION FOR PRELIMINARY R. TUPY, J. ZUCCO, MARK POTTER, INJUNCTION OR TEMPORARY 14 ROLF KLOTZ, **RESTRAINING ORDER** 15 Defendants. (Docket Nos. 61, 74, 75, 82) 16 Plaintiff, a California prisoner proceeding pro se, filed this rights action pursuant 17 18 to 42 U.S.C. § 1983 against officials of Pelican Bay State Prison, where Plaintiff is 19 incarcerated. 20 Plaintiff's motion to serve defendants Greg Lewis and Maureen McLean (docket 21 number 74) is GRANTED. The Clerk of the Court shall issue summons and the United 22 States Marshal shall serve, without prepayment of fees, a copy of the **amended** 23 complaint (docket number 81) and all attachments thereto, and a copy of this order 24 upon: Defendants Health Care Manager Maureen McLean and Warden Greg D. 25 **Lewis** at **Pelican Bay State Prison**. Defendants McLean and Lewis should notify the Court within 30 days of the date of service whether they want to join in the other 26 27 defendants' motion for summary judgment or whether they intend to file a separate 28 summary judgment motion. If they chose the latter course, the provisions of the Order of

Service (docket number 14) of January 7, 2011, govern the filing of such motion.

Plaintiff has filed a motion for a temporary restraining order ("TRO") or a preliminary injunction. Prior to granting a preliminary injunction, notice to the adverse party is required. See Fed. R. Civ. P. 65(a)(1). A TRO may be granted without written or oral notice to the adverse party or that party's attorney only if: (1) it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss or damage will result to the applicant before the adverse party or the party's attorney can be heard in opposition, and (2) the applicant's attorney certifies in writing the efforts, if any, which have been made to give notice and the reasons supporting the claim that notice should not be required. See Fed. R. Civ. P. 65(b). Plaintiff has neither notified the defendants of his request nor submitted the required certification of his efforts to do so and why they have failed. Accordingly, his motion (docket number 75) is DENIED.

Good cause appearing, defendants' motion for an extension of time (docket number 61) in which to respond to the order to show cause is GRANTED. Plaintiff's motion for an extension of time (docket number 82) in which to file an opposition to defendants' motion for summary judgment, to and including **November 5, 2011**, is also GRANTED. No further extensions of time will be granted as plaintiff will have had 90 days in which to prepare his opposition. Defendants **shall** file a reply brief within **14 days** of the date any opposition is filed.

IT IS SO ORDERED.

DATED: October 17, 2011

24

25

26

27

28

2

United States District Judge

| 1 | UNITED STATES DISTRICT COURT |
|----|---|
| 2 | FOR THE |
| 3 | NORTHERN DISTRICT OF CALIFORNIA |
| 4 | |
| 5 | RAYMOND MANZANILLO, Good Niverbary CV10, 02782, ISW |
| 6 | Case Number: CV10-03/83 JSW |
| 7 | Plaintiff, CERTIFICATE OF SERVICE |
| 8 | V. EDANCISCO IAQUEZ et el |
| 9 | FRANCISCO JAQUEZ et al, Defendant. |
| 10 | Defendant. |
| 11 | I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. |
| 12 | |
| 13 | That on October 17, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by |
| 14 | 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. |
| 15 | |
| 16 | |
| 17 | Raymond J. Manzanillo PBSP |
| 18 | P.O. Box 7500 J91574 |
| 19 | Crescent City, CA 95532 |
| 20 | Dated: October 17, 2011 |
| 21 | Dated: October 17, 2011 Richard W. Wieking, Clerk |
| 22 | By: Jennifer Ottolini, Deputy Clerk |
| 23 | |
| 24 | |
| 25 | |
| 26 | |
| 27 | |
| 28 | |