1 2 IN THE UNITED STATES DISTRICT COURT 3 FOR THE NORTHERN DISTRICT OF CALIFORNIA 4 5 6 DAVID MAURICE GOMEZ, No. C-11-3784 TEH (PR) 7 Plaintiff, ORDER FOR DEFENDANTS TO RE-8 SERVE DISPOSITIVE MOTION; v. SETTING NEW BRIEFING SCHEDULE 9 A. HEDGEPETH, et al., 10 Defendants. 11 12 Plaintiff David Maurice Gomez, a state prisoner 13 incarcerated at Salinas Valley State Prison (SVSP), has filed this 14 civil rights action under 42 U.S.C. § 1983 regarding incidents that 15 took place at SVSP. On November 9, 2012, Defendants filed a 16 dispositive motion for dismissal and summary judgment. Plaintiff's 17 opposition was due thirty days later, on December 9, 2012. 18 Plaintiff did not file an opposition and, on April 4, 2013, the 19 Court granted Plaintiff leave to file a late opposition. On April 20 15, 2013, Plaintiff filed a document entitled, "Request for 21 Defendants' Motion for Dismissal and Summary Judgment," indicating 22 that he has never received Defendants' dispositive motion. 23 A review of the docket shows that, on October 29, 2012, 24 Plaintiff filed a notice of change of address. He listed his 25 current address as: 26 David M. Gomez #D97027 Salinas Valley State Prison 27 P. O. Box 1050 (D1-106) 28 Soledad, CA 93960-2050

The certificate of service attached to Defendants' dispositive motion indicates that they sent it to Plaintiff's former address at Pelican Bay State Prison. This explains why Plaintiff did not receive the dispositive motion.

5 Therefore, within seven days from the date of this Order, 6 Defendants' must re-serve their dispositive motion and all 7 supporting documents to Plaintiff at his current address. 8 Defendants must file with the Court the proof of service indicating 9 that they have re-served Plaintiff.

Plaintiff's opposition to Defendants' dispositive motion is due thirty days after Defendants serve Plaintiff with their motion. Defendants may file a reply brief within fifteen days of the date on which Plaintiff serves them with his opposition.

Also, in an abundance of caution, to ensure that
Plaintiff has received documents filed in his case since he has
moved to SVSP, the Clerk shall send him a copy of the docket of his
case. Plaintiff shall notify the Court if he has not received any
of the documents listed on the docket.

CONCLUSION

For the foregoing reasons, the Court orders as follows:
 1. Within seven days from the date of this Order,
 Defendants shall re-serve their dispositive motion, together with
 all supporting documents and notices, to Plaintiff at his current
 address. Defendants shall file the proof of service.

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2. Plaintiff's opposition is due thirty days from the
 date Defendants service him with the motion. Defendants may file a
 reply fifteen after they are served with Plaintiff's opposition.

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1	3. The Clerk of the Court shall send Plaintiff a copy of
2	the docket sheet of his case.
3	IT IS SO ORDERED.
4	DATED 04/18/2013 Jeth Handman
5	THELTON E. HENDERSON United States District Judge
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