Blandino v. United States Doc. 11

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2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA 10 11 12 ROBERTO J. BLANDINO, No. C 11-4807 JSW (PR) 13 Plaintiff. ORDER DENYING DEFENDANT'S REQUEST FOR 14 STATUS CONFERENCE; v. DIRECTING DEFENDANT TO 15 **COMPLY WITH ORDER OF** SERVICE; DENYING UNITED STATES; DOES 1-10, APPOINTMENT OF COUNSEL 16 Defendant. 17 (Docket No. 3) 18 19 Plaintiff, a detainee of the United States Customs Enforcement ("ICE"), filed this 20 complaint under the Federal Tort Claims Act. On October 26, 2011, the Court found that 21 the complaint stated a cognizable claim for relief and ordered the United States Marshal 22 to serve the complaint upon Defendant. Defendant was served on November 1, 2011, 23 and filed an answer on December 22, 2011. The Order of Service also required 24 Defendant, within ninety days, either to file a dispositive motion or notify the Court that

it is of the opinion that this case cannot be resolved by such a motion. Defendant has

done neither despite the fact that the deadline for doing so passed approximately sixty

days ago. Instead, Defendant has filed a "request to be placed on the Court's regular

case management calendar and to set this matter for an initial case management

conference." That is not one of the options Defendant was ordered to elect, however, nor is such a course preferable in a case such as this in which the Plaintiff is incarcerated and proceeding pro se.

Defendant shall comply with the Order of Service within **14 days** of the date this order is filed. If additional time is needed, Defendant shall, in accordance with the instructions in the Order of Service, file a motion for an extension of time no later than **five days** prior to the deadline sought to be extended. Such a motion must be supported by a showing of good cause for the requested time extension.

Plaintiff's motion for appointment of counsel (docket number 3) is DENIED for want of exceptional circumstances. The Court may reconsider this motion sua sponte should the circumstances of the case materially change.

IT IS SO ORDERED.

DATED: <u>April 4, 2012</u>

JEFFREY S. WHITE United States District Judge

1	UNITED STATES DISTRICT COURT
2	FOR THE
3	NORTHERN DISTRICT OF CALIFORNIA
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5	DODERTO V DI ANDINO
6	ROBERTO X BLANDINO, Case Number: CV11-04807 JSW
7	Plaintiff, CERTIFICATE OF SERVICE
8	V.
9	UNITED STATES et al,
10	Defendant.
11	I the undersioned homely contify that I am an appleyed in the Office of the Clark II C District
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 April 4, 2012, 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 depositing
14	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	receptacle located in the Clerk's office.
16	Roberto X. Blandino
17	077 223 173 41777 Grimmer Blvd F1
18	Fremont, CA 94538 Dated: April 4, 2012
19	Dated: April 4, 2012 Pichard W. Wicking, Clark
20	Richard W. Wieking, Clerk By: Jennifer Ottolini, Deputy Clerk
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