

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DENNIS LAMAR JAMES, JR.,

No. C 13-011 SI (pr)

Plaintiff,

SCHEDULING ORDER

v.

OAKLAND POLICE DEPT.; et al.,

Defendants.

In this *pro se* civil rights action, plaintiff has sued several Oakland police officers and the City of Oakland for the use of excessive force during his arrest, and has sued several doctors for deliberate indifference to his medical and mental health needs during his hospital visit after his arrest. This matter is now before the court for consideration of several requests for extensions of deadlines relating to dispositive motions.

Defendants Ko, Chacon, Smith, Jordan and the City of Oakland (collectively, the "police defendants") have filed an *ex parte* request for an extension of time to file a dispositive motion. Upon due consideration of the request and the accompanying declaration of attorney Arlene Rosen, the court GRANTS the request. (Docket # 23.) The court now sets the following new briefing schedule for dispositive motions from the police defendants: Defendants must file and serve their dispositive motion no later than **December 20, 2013**. Plaintiff must file and serve on defense counsel his opposition to the dispositive motion no later than **January 24, 2014**. Defendants must file and serve their reply brief (if any) no later than **February 7, 2014**.

Plaintiff's request to deny the police defendants' request for an extension of time and to enter default is DENIED. (Docket # 25.) The request for an extension of time was a reasonable one, and none of the defendants are in default.

1 Defendants Dr. English, Dr. Adler and Dr. Kang filed a motion to dismiss on July 31,
2 2013 (Docket # 14.) They later filed a request to modify the briefing schedule for dispositive
3 motions so that they could wait until they receive a ruling on their motion to dismiss to conduct
4 discovery and take other steps to file a motion for summary judgment if the motion to dismiss
5 is denied. Defendants' request is GRANTED. (Docket # 24.) If the court denies these
6 defendants' motion to dismiss, the court will then set a briefing schedule for a later motion for
7 summary judgment from these defendants.

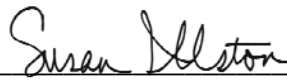
8 Defendant Dr. Liu filed a motion for summary judgment on September 23, 2013 (Docket
9 # 17.) Plaintiff filed a request for an extension of time to respond to that motion. (Docket # 27.)
10 Dr. Liu filed a reply in which he opposed plaintiff's request. Upon due consideration, plaintiff's
11 request for an extension of the deadline is GRANTED. (Docket # 27.) Plaintiff must file and
12 serve his opposition to Dr. Liu's motion for summary judgment no later than **December 23,**
13 **2013.** Dr. Liu must file and serve his supplemental reply brief no later than **January 10, 2014.**

14 In Docket # 27, plaintiff also requests that counsel be appointed to represent him. The
15 request is DENIED for the same reasons explained at pages 3-4 of the order of service.

16 To the clerk: This order grants Docket # 23 and # 24; denies Docket # 25; and grants in
17 part and denies in part Docket # 27. The motions at Docket # 14 and # 17 remain pending.

18 IT IS SO ORDERED.

19 Dated: November 22, 2013



SUSAN ILLSTON
United States District Judge

20
21
22
23
24
25
26
27
28