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

MICHAEL E. COLLINS,  
Petitioner,  
vs.  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS,  
Respondent.

) No. C 13-1371 JSW (PR)  
)  
) **ORDER GRANTING MOTION TO**  
) **REOPEN; VACATING DISMISSAL**  
) **AND JUDGMENT; SCHEDULING**  
) **BRIEFING; DENYING EXTENSION**  
) **OF TIME TO PAY FILING FEE;**  
) **INSTRUCTIONS TO CLERK**  
)  
) (Docket Nos. 18, 21, 23)

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Petitioner, a California prisoner proceeding pro se, filed this petition for a writ of habeas corpus. On March 4, 2014, the case was dismissed without prejudice pursuant to Local Rule 3.11 because mail from the Court to Petitioner at the address he provided was returned as undeliverable at that address, and then more than sixty days passed without Petitioner providing the Court with a new address. On April 11, 2014, Petitioner filed a motion to reopen the case (dkt. 18) indicating that he had not in fact changed addresses, but rather that prison officials had simply failed to give him mail from the Court. As Plaintiff did not in fact change addresses, the mail was returned through no fault of his own, and this case should not be dismissed under Rule 3.11. Accordingly, Petitioner’s motion to reopen (dkt. 18) is GRANTED, and the order of dismissal and judgment (dkt. 15, 16) are VACATED. In order to expedite the resolution of this case, Respondent shall serve Petitioner with a new copy of the motion to dismiss (dkt. 14) within **7 days** of

1 the date this order is filed. Good cause appearing, Petitioner is granted an extension of  
2 time, to and including **June 26, 2014**, in which to file an opposition to Respondent's  
3 motion to dismiss. Respondent **shall** file a reply brief on or before **July 10, 2014**.

4 In light of the foregoing, Petitioner's motion for an extension of time in which to  
5 pay the filing fee for his appeal (dkt. 23) is DENIED as moot. Petitioner's motion for  
6 appointment of counsel (dkt. 21) is DENIED at this time because he is able to present his  
7 claims adequately and no evidentiary hearing has been ordered.

8 The Clerk shall reopen the file and send a copy of this order to the United States  
9 Court of Appeals for the Ninth Circuit.

10 IT IS SO ORDERED.

11 DATED: May 27, 2014

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14 JEFFREY S. WHITE  
15 United States District Judge  
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1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 MICHAEL E COLLINS,  
6  
7 Plaintiff,

Case Number: CV13-01371 JSW

**CERTIFICATE OF SERVICE**

8 v.

9 CALIFORNIA DEPARTMENT OF  
CORRECTIONS et al,

10 Defendant.  
11 \_\_\_\_\_/

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
13 Court, Northern District of California.

14 That on May 27, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said  
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by 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.

16 Michael E. Collins F93465  
17 California State Prison-Sacramento  
18 P.O. Box 290066  
Represa, CA 95671

19 Dated: May 27, 2014

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Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk  
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