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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KAREEM J. HOWELL,
Plaintiff,
v.
C. TRAN, et al.,
Defendants.

Case No. [15-cv-05377-SI](#)

ORDER
Re: Dkt. Nos. 58, 59

Plaintiff’s opposition to defendants’ new motion for summary judgment was due on October 27, 2017. He has sent to the court a letter stating that he was transferred to a new prison at about the time he was attempting to file his opposition brief, was required to give that document to prison officials to copy and mail, and was unsure if the opposition brief had reached the courthouse. Docket Nos. 58, 59. Attached to his letter is a copy of a form on which a prison official explained to plaintiff that (a) the document was not mailed because plaintiff had not included a signed trust account withdrawal form for postage, and (b) his document would be sent to him at his new prison “on the bus.” Docket No. 58 at 5. Plaintiff’s comment at the bottom of the form indicates that he did not receive his document at his new prison.

The court has not received plaintiff’s opposition. The issue arises as to what to do about the unfiled opposition. The defendants in this action work at the Santa Clara County Jail and do not have any control over plaintiff or ability to find paperwork that has become misplaced in a California prison. The court does not want to wait for plaintiff to exhaust his efforts within the California prison system to find the paperwork because that could take months and the paperwork might never be found. The preferable way to proceed is to grant a further extension of the deadline for plaintiff to file his opposition to defendants’ new motion for summary judgment so

1 that he may prepare a replacement opposition.

2 Accordingly, the court now sets the following new briefing schedule: Plaintiff must file
3 and serve on defense counsel his opposition to defendants' new motion for summary judgment no
4 later than **January 5, 2018**. Defendants must file and serve their reply brief (if any) no later than
5 **January 19, 2018**.

6 Plaintiff is reminded that he must promptly notify the court and opposing counsel
7 whenever he is moved to a different prison or has a change of address.

8 **IT IS SO ORDERED.**

9 Dated: November 17, 2017



SUSAN ILLSTON
United States District Judge

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