

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
San Francisco Division

WALTER DEAN ERNEST,  
Plaintiff,  
v.  
MILTON, et al.,  
Defendants.

Case No. [16-cv-03655-LB](#)

**ORDER FOR SERVICE ON  
DEFENDANT WALLS, AND SETTING  
NEW BRIEFING SCHEDULE**

The litigation coordinator at San Quentin State Prison has provided to court staff an address at which unserved defendant B.A. Walls apparently may be served with process. The litigation coordinator requests that the address of this former correctional lieutenant remain confidential. Accordingly,

1. The clerk shall issue a summons and the United States Marshal shall serve, without prepayment of fees, the summons, a copy of the third amended complaint, a copy of all the documents in the case file, and a copy of the “consent or declination to magistrate judge jurisdiction” form upon defendant B. A. Walls. The clerk should not write Mr. Walls’ address on the summons or the other forms provided to the Marshal, and instead should provide that address on a separate piece of paper attached to the summons. The separate piece of paper should be marked “confidential - do not file in public record,” so that the address will not be disclosed to the

1 prisoner-plaintiff or become part of the public record.

2 2. No later than **October 13, 2017**, Mr. Walls must sign and file the form “consent or  
3 declination to magistrate judge jurisdiction.”

4 3. In order to expedite the resolution of this case, the following briefing schedule for  
5 dispositive motions is set:

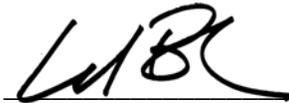
6 a. No later than **November 17, 2017**, the defendants must file and serve a motion for  
7 summary judgment or other dispositive motion. If the defendants are of the opinion that this case  
8 cannot be resolved by summary judgment, the defendants must so inform the court prior to the  
9 date the motion is due. If the defendants file a motion for summary judgment, the defendants must  
10 provide to the plaintiff a new *Rand* notice regarding summary judgment procedures at the time  
11 they file such a motion. *See Woods v. Carey*, 684 F.3d 934, 939 (9th Cir. 2012). If the motion is  
12 based on nonexhaustion of administrative remedies, the defendants must comply with the notice  
13 and procedural requirements in *Albino v. Baca*, 747 F.3d 1162 (9th Cir. 2014).

14 b. The plaintiff must file and serve his opposition to the summary judgment or other  
15 dispositive motion no later than **December 15, 2017**. The plaintiff must bear in mind the notice  
16 and warning regarding summary judgment provided in the order of service as he prepares his  
17 opposition to any motion for summary judgment.

18 c. If the defendants wish to file a reply brief, the reply brief must be filed and served no  
19 later than **January 5, 2017**.

20 **IT IS SO ORDERED.**

21 Dated: September 8, 2017



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23 LAUREL BEELER  
United States Magistrate Judge

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