

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

3 JUMAH ALI-THOMAS MOORE,

No. C 06-02357 SBA (PR)

4 Plaintiff,

**ORDER ADDRESSING PENDING
MOTIONS**

5 v.

6 JEANNE WOODFORD, et al.,

(Docket nos. 43, 49, 50)

7 Defendants.
8 _____/

9 Before the Court are Plaintiff's motions for an extension of time to serve discovery requests
10 on Defendants (docket nos. 43, 49) and his motion for an extension of time to file an opposition to
11 Defendants' motion to dismiss (docket no. 50).

12 Plaintiff requests the Court to grant him an extension of time to serve discovery requests on
13 Defendants. In its September 30, 2008 Order, the Court stated, "all discovery requests must be
14 served on the opposing party on or by November 10, 2008 and all discovery responses must be
15 served on or by December 1, 2008." (Sept. 30, 2008 Order at 9.) Plaintiff requests the Court to
16 grant him "until February 18, 2009, in order to file [his] discovery requests to the defendants since
17 Plaintiff has now received the defendants' answer." (Jan. 22, 2009 Mot. for EOT to File Disc. Req.
18 at 1.) Plaintiff also requests the Court to grant him "until March 2, 2009" in order to "serve his
19 discovery requests to defendant Zavala." (Feb. 6, 2009 Mot. for EOT to File Disc. Req. at 1.)
20 Because his requests were timely and meritorious even though both due dates have passed, Plaintiff's
21 motions (docket nos. 43, 49) are GRANTED.

22 Plaintiff also requests an extension of time to file an opposition to Defendants' motion to
23 dismiss up to and including March 27, 2009. Plaintiff has failed to allege that his failure to file a
24 timely opposition was due to exigent circumstances. Nevertheless, having read and considered
25 Plaintiff's request and the accompanying declaration filed by Plaintiff, the Court finds that an
26 extension of time is appropriate. Accordingly, IT IS HEREBY ORDERED that Plaintiff's request
27 for an extension of time to file an opposition to Defendants' motion to dismiss (docket no. 50) is
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1 GRANTED. The time in which Plaintiff must file his response to Defendants' motion to dismiss
2 will be extended up to and including **March 27, 2009**.

3 CONCLUSION

4 1. Plaintiff's motions for an extension of time to file discovery requests to Defendants
5 (docket nos. 43, 49) are GRANTED.

6 2. Plaintiff's motion for an extension of time to file an opposition to Defendants' motion
7 to dismiss (docket no. 50) is GRANTED. Plaintiff must file his response to Defendants' motion to
8 dismiss no later than **March 27, 2009**. If Defendants wish to file a reply brief, they shall do so no
9 later than **fifteen (15) days** after the date Plaintiff's opposition is filed. The motion shall be deemed
10 submitted as of the date the reply brief is due. No hearing will be held on the motion unless the
11 Court so orders at a later date. The Court will resolve the motion to dismiss in a separate written
12 Order.

13 3. **No further extensions of time will be granted in this case absent exigent**
14 **circumstances.**

15 4. This Order terminates Docket nos. 43, 49 and 50.

16 IT IS SO ORDERED.

17 DATED: 3/13/09


SAUNDRA BROWN ARMSTRONG
United States District Judge

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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

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6 MOORE et al,

Case Number: CV06-02357 SBA

7 Plaintiff,

CERTIFICATE OF SERVICE

8 v.

9 WOODFORD 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
Court, Northern District of California.

13 That on March 16, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
15 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
17 Thomas Moore D-62389
18 Pelican Bay State Prison
19 P.O. Box 7000
Crescent City, CA 95532

20 Dated: March 16, 2009

21 Richard W. Wiekling, Clerk
By: LISA R CLARK, Deputy Clerk

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