

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 RUSSELL D. RODGERS,

No. C 07-00520 SBA (PR)

4 Plaintiff,

**ORDER DENYING PLAINTIFF'S
REQUEST FOR RECONSIDERATION**

5 v.

(Docket no. 54)

6 DON HORSLEY, et al.,

7 Defendants.

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10 Before the Court is Plaintiff's "Request for Reconsideration (to Request for Time
11 Extension/Suspension of Proceedings)" (docket no. 54).

12 In an Order dated February 17, 2010, the Court granted in part and denied in part Plaintiff's
13 request for an extension of time up to and including April 26, 2010 to file an opposition to
14 Defendants' dispositive motion. The Court determined that only a brief extension was necessary.
15 Plaintiff was directed to file his opposition no later than **March 8, 2010**. Defendants were then
16 directed that they may file their reply to the opposition no later than **March 22, 2010**. The Court
17 added, "**No further extensions will be granted absent exigent circumstances.**" (Feb. 17, 2010
18 Order at 2 (emphasis in original).) The Court also denied Plaintiff's request for appointment of
19 counsel. Finally, because Plaintiff had filed a notice of change of address, the Court directed the
20 Clerk of the Court to send a copy of Defendants' dispositive motion and all the attached declarations
21 and exhibits to Plaintiff's new address. The record shows that a copy of the February 17, 2010 Order
22 was mailed to Plaintiff on February 22, 2010. The Clerk then mailed Plaintiff a copy of Defendants'
23 dispositive motion on February 23, 2010.

24 On February 23, 2010, Plaintiff signed the present "Request for Reconsideration (to Request
25 for Time Extension/Suspension of Proceedings)," which states that "[n]o copy of Defendants' motion
26 was received" (Pl.'s Req. at 1.) Thus, Plaintiff again requests for an extension of time to file
27 his opposition up to and until April 20, 2010. The record shows that Plaintiff's copy of the February
28 17, 2010 Order and his copy of Defendants' dispositive motion were sent at different times, on

1 February 22, 2010 and February 23, 2010, respectively. Therefore, it is apparent that Defendants'
2 dispositive motion had not yet arrived when he signed the present request for reconsideration. By
3 now, Plaintiff should have received his copy of Defendants' dispositive motion because the Clerk
4 mailed it to him on February 23, 2010, and it has not been returned undeliverable. Accordingly,
5 Plaintiff's request for reconsideration (docket no. 54) is DENIED.

6 The parties shall abide by the briefing schedule mentioned above and outlined in the Court's
7 February 17, 2010 Order. **No further extensions will be granted absent exigent circumstances.**

8 IT IS SO ORDERED.

9 DATED: 3/4/10


SAUNDRA BROWN ARMSTRONG
United States District Judge

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

4 RUSSELL D. RODGERS,

5 Plaintiff,

6 v.

7 DON HORSLEY et al,

8 Defendant.

Case Number: CV07-00520 SBA

CERTIFICATE OF SERVICE

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

11 That on March 5, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Russell Dwayne Rodgers UKZ955
16 Santa Rita Jail
17 5325 Broder Boulevard
18 Dublin, CA 94568

19 Dated: March 5, 2010

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