

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

3 JUAN VILLA RAMIREZ,

No. C 07-04681 SBA (PR)

4 Plaintiff,

**ORDER GRANTING IN PART AND  
 DENYING IN PART PLAINTIFF'S  
 REQUEST FOR AN EXTENSION OF  
 TIME TO FILE AMENDMENT TO THE  
 COMPLAINT AND TO PROVIDE  
 PROOF OF SERVICE**

5 v.

6 JAMES TILTON, et al.,

7 Defendants.

(Docket no. 17)

8 \_\_\_\_\_ /  
 9  
 10 Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983,  
 11 in which he asserts three claims for relief against twenty-one Defendants, all officials and employees  
 12 at San Quentin State Prison (SQSP) and the California Department of Corrections and Rehabilitation  
 13 (CDCR). On March 5, 2010, the Court reviewed the complaint and issued an "Order on Review of  
 14 Complaint; and Directing Plaintiff to File Proof of Service or Show Cause." The Court found the  
 15 Plaintiff's allegation that SQSP medical staff failed to provide adequate medical treatment (for his  
 16 hemangiomas) stated a cognizable deliberate indifference claim against Defendants. However, none  
 17 of these Defendant had been served; therefore, the Court directed Plaintiff, who paid the filing fee in  
 18 this matter, to "either provide the Court with proof of service of the summons and complaint upon  
 19 the Defendants against whom he alleges his deliberate indifference to serious medical needs claim,  
 20 or otherwise show cause why the complaint should not be dismissed without prejudice as to each  
 21 unserved Defendant pursuant to Rule 4(m) of the Federal Rules of Civil Procedure." (Mar. 5, 2010  
 22 Order at 7.) Plaintiff was also directed to file an amendment to the complaint containing amended  
 23 ADA and Section 504 claims against SQSP and the CDCR. All remaining claims were dismissed.  
 24 Plaintiff was given thirty days to file his response to the Court's March 5, 2010 Order.

25 Before the Court is Plaintiff 's request for a ninety-day extension of time: (1) to file his  
 26 amendment to the complaint; and (2) to show proof that he has served those Defendants against  
 27 whom he alleges his deliberate indifference to serious medical needs claim, or to show cause why  
 28 such Defendants should not be dismissed from this action without prejudice. Having read and  
 considered Plaintiff's request, and good cause appearing,

1 IT IS HEREBY ORDERED that Plaintiff's request for an extension of time is GRANTED in  
2 PART and DENIED in PART. The Court DENIES Plaintiff's request for a ninety-day extension, but  
3 finds that a brief extension is warranted. The time in which Plaintiff may: (1) file his amendment to  
4 the complaint; and (2) either provide the Court with proof of service on those Defendants against  
5 whom he alleges his deliberate indifference to serious medical needs claim, or show cause why such  
6 Defendants should not be dismissed from this action without prejudice, will be extended up to and  
7 including **May 10, 2010**.

8 Failure to do so by the new deadline shall result in: (1) the dismissal without prejudice of his  
9 ADA and Section 504 claims against SQSP and the CDCR; and (2) the dismissal without prejudice  
10 as to the remaining deliberate indifference to serious medical needs claim against the unserved  
11 Defendants pursuant to Rule 4(m).

12 This Order terminates Docket no. 17.

13 IT IS SO ORDERED.

14 DATED: 4/15/10

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

4  
5  
6 JUAN VILLA RAMIREZ,  
7 Plaintiff,

Case Number: CV07-04681 SBA

**CERTIFICATE OF SERVICE**

8 v.

9 JAMES TILTON 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 April 15, 2010, 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 Juan Villa Ramirez T-24667  
18 California State Prison - San Quentin  
19 2 A/C 6  
San Quentin, CA 94974

20 Dated: April 15, 2010

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

21  
22  
23  
24  
25  
26  
27  
28