

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

4 RODNEY JAMAAR-DIONE SMITH,

No. C 09-02263 SBA (PR)

5 Plaintiff,

**ORDER GRANTING DEFENDANTS'
 REQUEST FOR AN EXTENSION OF
 TIME TO FILE A DISPOSITIVE
 MOTION; AND GRANTING PLAINTIFF
 A SECOND EXTENSION OF TIME TO
 PROVIDE REQUIRED INFORMATION
 NECESSARY TO LOCATE DEFENDANT
 GRIFFIN**

6 v.

7 DEPUTY J. COOPER, et al.,

8 Defendants.
 9 _____/

10 This is a pro se civil rights action filed by Plaintiff Rodney Jamaar-Dione Smith. The Court
 11 granted Plaintiff's motion to proceed in forma pauperis in the instant action on March 31, 2010. The
 12 Court issued its Order of Service on November 10, 2010.

13 On April 20, 2011, the Court granted Plaintiff an extension of time to provide required
 14 information necessary to locate Defendant Griffin, who has not been served in this action.

15 A copy of the Court's April 20, 2011 Order was sent to Plaintiff at his last known address at
 16 the Alameda County Jail, and it was returned as undeliverable on May 19, 2011 because Plaintiff
 17 was no longer in custody (docket no. 29).

18 On May 26, 2011, Defendants filed a request for an extension of time in which to file their
 19 motion for summary judgment (which was due on June 7, 2011) because mail sent to Plaintiff was
 20 returned undeliverable and he had not filed a notice of a change of address.

21 On June 6, 2011, Plaintiff filed a letter requesting the Court to "forward all legal documents
 22 that may have been returned due to a temporary change of address" (Pl.'s June 6, 2011 Letter at
 23 1.) Plaintiff states that he is now back in custody at Santa Rita Jail, 5325 Broder Blvd., Dublin,
 24 California. (Id.)

25 Having read and considered Defendants' ex parte request and the accompanying declaration
 26 of counsel, and good cause appearing,

27 IT IS HEREBY ORDERED that Defendants' ex parte request for an extension of time is
 28 GRANTED. The time in which Defendants may file their motion for summary judgment will be

1 extended up to and including **thirty (30) days** from the date of this Order. Plaintiff's opposition to
2 the dispositive motion shall be filed with the Court and served on Defendants no later than **forty-**
3 **five (45) days** after the date Defendants' motion is filed. Defendants shall file a reply brief no later
4 than **fifteen (15) days** after the date Plaintiff's opposition is filed.

5 The Clerk of the Court is directed to send Plaintiff another copy of its April 20, 2011 Order
6 Granting Plaintiff Extension of Time to Provide Required Information Necessary to Locate
7 Defendant Griffin. As mentioned above, in that April 20, 2011 Order, the Court granted Plaintiff's
8 request for an extension of time to provide the required information necessary to locate Defendant
9 Griffin. Plaintiff never received notice that his extension request was granted because that Order
10 was returned as undeliverable. Accordingly,

11 IT IS HEREBY ORDERED that the time in which Plaintiff may provide the Court with the
12 required information necessary to locate Defendant Griffin will be extended up to and including
13 **thirty (30) days** from the date of this Order. Failure to do so by the new deadline shall result in the
14 dismissal of all claims against this Defendant.

15 This Order terminates Docket no. 30.

16 IT IS SO ORDERED.

17 DATED: 6/13/11

18 
19 SAUNDRA BROWN ARMSTRONG
20 United States District Judge
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 RODNEY JAMAAR DIONE SMITH,

5 Plaintiff,

6 v.

7 DEPUTY J COOPER et al,

8 Defendant.

Case Number: CV09-02263 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 June 15, 2011, 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 Rodney Jamaar-Dione Smith BCD323
16 Alameda County Jail - Santa Rita
17 5325 Broder Blvd.
18 Dublin, CA 94568

19 Dated: June 15, 2011

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