

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

3  
 4 OMARR L. BURNETT,  
 5 Plaintiff,

No. C 09-04693 SBA (PR)

6 v.

7 DEPUTY FRAYNE, et al.,  
 8 Defendants.

**ORDER GRANTING IN PART AND  
 DENYING IN PART PLAINTIFF'S  
 FIFTH REQUEST FOR EXTENSION OF  
 TIME TO FILE OPPOSITION TO  
 DEFENDANTS' MOTION FOR  
 SUMMARY JUDGMENT**

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10 On May 4, 2011, Defendants filed their motion for summary judgment. Plaintiff's opposition  
 11 to Defendants' motion for summary judgment was due on December 30, 2011; therefore, it is  
 12 currently overdue.

13 Before the Court is Plaintiff's "Motion to Stay" (docket no. 63), in which he requests a "stay  
 14 in proceedings" because he is

15 without a Professional Attorney needed to meaningfully represent his claims, the  
 16 SVSP's law library is woefully deficient, Plaintiff is a lay person without any  
 17 formal civil training in Civil law, that Plaintiff is going home on February 12[,]  
 2012 etc; and that in the interests of justice the action should be heard and granted.

18 (Pl.'s Mot. to Stay at 1.)

19 The Court notes that Plaintiff has already received previous extensions of time to file his  
 20 opposition to the motion for summary judgment. The original deadline for his opposition was July  
 21 5, 2011, but it was extended to August 15, 2011 when the Court granted Plaintiff's second request  
 22 for an extension.<sup>1</sup> On August 25, 2011, Plaintiff's third request for an extension was also granted,  
 23 and he was given until September 30, 2011 to file an opposition. Finally, Plaintiff's fourth request  
 24 for an extension was granted, and, as mentioned above, he was given until December 30, 2011 to file  
 25 an opposition. Therefore, Plaintiff has already received one hundred forty-seven (147) additional

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27 <sup>1</sup> The Court notes that Plaintiff's first request indicated that the deadline to file his opposition  
 28 was on "June 7, 2011"; therefore, he had requested an extension up to and including "July 4, 2011."  
 (June 5, 2011 Req. for EOT at 1.) The Court granted his request in an Order dated June 13, 2011.  
 However, the Court notes that Plaintiff's opposition was actually due on July 5, 2011, sixty days after  
 the motion for summary judgment was filed. Therefore, Plaintiff's first extension request was not  
 necessary.

1 days to file his opposition. Nevertheless, the Court finds that another very brief extension of time is  
2 appropriate; however, a "stay of proceedings," as Plaintiff requests will not be granted. Instead, the  
3 Court construes his motion as a fifth request for an extension of time to file his opposition to  
4 Defendants' motion for summary judgment after his release date on February 12, 2012.  
5 Accordingly, Plaintiff's fifth request for an extension of time to file his opposition to Defendants'  
6 motion for summary judgment is GRANTED in part and DENIED in part. Plaintiff must file his  
7 opposition no later than **February 3, 2012**. Defendants' reply to the opposition must be filed no  
8 later than **February 29, 2012**. **This is the final extension that will be given to Plaintiff, and no**  
9 **further extensions of time will be granted in this case.**

10 This Order terminates Docket no. 63.

11 IT IS SO ORDERED.

12 DATED: 1/27/12

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14 SAUNDRA BROWN ARMSTRONG  
15 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 OMARR L. BURNETT,  
7 Plaintiff,

Case Number: CV09-04693 SBA  
**CERTIFICATE OF SERVICE**

8 v.  
9 FRAYNE 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 January 30, 2012, 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.

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17  
18 O'Marr L. Burnett F-26842  
Salinas Valley State Prison  
19 P.O. Box 1050  
Soledad, CA 93960-1050

20 Dated: January 30, 2012

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

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