

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

3 JOHN M. SCHOPPE-RICO,

No. C 11-02809 YGR (PR)

4 Plaintiff,

5 vs.

6 ROBERT A. HOREL, et al.,

7 Defendants.

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
REQUEST FOR EXTENSION OF TIME
TO FILE SUPPLEMENTAL
OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS; AND
GRANTING PLAINTIFF'S REQUEST
FOR SPECIFIC DOCUMENTS FROM
THE CASE FILE**

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10 Plaintiff filed this *pro se* civil rights action under 42 U.S.C. § 1983 alleging constitutional
11 violations stemming from incidents occurring during his incarceration at Pelican Bay State Prison.
12 Plaintiff's motion for leave to proceed *in forma pauperis* has been granted.

13 In an Order dated August 31, 2011, the Honorable William H. Alsup, to whom this civil
14 action was previously assigned, found that Plaintiff's complaint contained cognizable claims and
15 ordered service on Defendants. Thereafter, Defendants filed a motion to dismiss for failure to
16 exhaust administrative remedies. Plaintiff has filed his opposition to this motion, and Defendants
17 have filed their reply to the opposition. Plaintiff has also filed a response to Defendants' reply.

18 In an Order dated July 24, 2012, the Court directed Plaintiff to file a supplemental opposition
19 in light of *Woods v. Carey*, 684 F.3d 934, 935, 940-41 (9th Cir. 2012), no later than August 20,
20 2012.

21 Before the Court is Plaintiff's request for an extension of time in which to file his
22 supplemental opposition to Defendants' motion to dismiss up to and including September 30, 2012.
23 (Docket No. 68.) Also before the Court is Plaintiff's motion entitled, "Petition and Order for Return
24 of Exhibits and Attachments with Pleadings" (Docket No. 69), in which he requests copies of the
25 papers relating to the motion to dismiss (Docket Nos. 40, 62, 62-1, 64, 65) as well as "all exhibits
26 and attachments to [his] pleadings" (Docket Nos. 62-2, 62-3, 62-4, 62-5). Having read and
27 considered Plaintiff's requests, and good cause appearing,

28 Plaintiff's request for an extension of time in which to file his supplemental opposition
(Docket No. 68) is GRANTED IN PART and DENIED IN PART. The Court finds that Plaintiff has

1 previously been granted a very generous extension of time to file his original opposition to the
2 motions to dismiss. His opposition was due on March 30, 2012. However, Plaintiff did not file his
3 opposition until May 14, 2012. In addition, Plaintiff was granted an additional 27 days, or up to and
4 until August 20, 2012, to file his supplemental opposition. Therefore, the Court finds that only a
5 brief extension of time is warranted. Plaintiff's supplemental opposition shall be filed no later than
6 **September 3, 2012.** Defendants' supplemental reply shall be filed no later than **September 10,**
7 **2012.**

8 Plaintiff's "Petition and Order for Return of Exhibits and Attachments with Pleadings"
9 (Docket No. 69), which has been construed as requests for copies of the papers relating to the
10 motion to dismiss as well as all of the attached exhibits to his opposition is also GRANTED. The
11 Clerk of the Court shall make copies of these documents (Docket Nos. 40, 62, 62-1, 62-2, 62-3, 62-
12 4, 62-5, 64, 65) and send them to Plaintiff along with his copy of this Order.

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

15 This Order terminates Docket Nos. 68 and 69.

16 IT IS SO ORDERED.

17 DATED: August 10, 2012

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19 **YVONNE GONZALEZ ROGERS**
20 **UNITED STATES DISTRICT COURT JUDGE**

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