

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

4 MERRICK JOSE MOORE,

C 11-05395 CW (PR)

5 Plaintiff,

ORDER DENYING
PLAINTIFF'S REQUEST

6 v.

FOR RETURN OF
PROPERTY AND
GRANTING REQUEST FOR
EXTENSION OF TIME

7 L. STEPP, et al.,

8 Defendants.

Docket No. 95

9
10 _____/

11 Plaintiff, a state prisoner currently incarcerated at High
12 Desert State Prison (HDSP), filed a pro se civil rights action
13 pursuant to 42 U.S.C. § 1983, alleging the violation of his
14 constitutional rights by correctional officers at Salinas Valley
15 State Prison (SVSP), where he was incarcerated previously. On
16 September 24, 2013, Defendants filed a motion for summary
17 judgment. Plaintiff then filed various discovery motions and
18 motions for extensions of time. Plaintiff's opposition was due on
19 March 11, 2014. On February 3, 2014, Plaintiff filed the instant
20 document entitled, "Request for a Court Order to Receive His Legal
21 Property." Doc. no. 95. In this document, Plaintiff indicates
22 that he cannot file his opposition on time because officials at
23 HDSP, where he was recently transferred, have refused to release
24 his legal property to him. Plaintiff requests that the Court
25 issue an order for the release of his property or, in the
26 alternative, grant him an extension of time to file his
27 opposition.
28

1 Because the Court lacks jurisdiction over officials at HDSP,
2 it grants Plaintiff's alternate request for an extension of time
3 to file his opposition. Plaintiff's opposition is now due on
4 April 11, 2014. Defendants' reply is due fourteen days
5 thereafter.

6 CONCLUSION

7 Based on the foregoing, the Court orders as follows:

- 8 1. Plaintiff's request for return of property is denied and
9 his request for an extension of time to file his opposition is
10 granted. (Doc. no. 95).
- 11 2. Plaintiff's opposition to the motion for summary judgment
12 is due on April 11, 2014. Defendants' reply is due two weeks
13 thereafter.
- 14 3. The Clerk of the Court shall mail this Order to the
15 Litigation Coordinator at HDSP who is requested to ensure that
16 Plaintiff receives his legal materials in order to respond to
17 Defendants' motion for summary judgment.
- 18 4. This Order terminates docket number 95.

19 IT IS SO ORDERED.

20
21 Dated: 3/10/2014

22 
23 CLAUDIA WILKEN
24 United States District Judge
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