

1
2
3
4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

6 KENNETH JEROME PACKNETT,

7 Plaintiff,

8 v.

9 FERNAND ALVAREZ, et al.,

10 Defendants.

Case No. [15-cv-01229-YGR](#) (PR)

**ORDER GRANTING IN PART AND DENYING
IN PART PLAINTIFF'S REQUEST FOR
EXTENSION OF TIME TO FILE OPPOSITION
TO DEFENDANTS' DISPOSITIVE MOTION;
AND GRANTING HIS REQUEST TO FILE
UNTIMELY REPLY TO DEFENDANTS'
OPPOSITION TO HIS MOTION FOR
RECONSIDERATION**

11
12 Before the Court is Plaintiff's request for an extension of time in which to file his
13 opposition to Defendants' Motion for Summary Judgment and Motion to Dismiss. Dkt. 56.
14 Plaintiff requests an extension of time, up to and including November 16, 2016, in which to file
15 his opposition on the grounds that his library access is limited at the prison where he is
16 incarcerated. Dkt. 56 at 1. Plaintiff also requests a "[n]in[e]ty (90) day continuance from
17 December 16, 2016 until April 16, 2017 to complete his responsive pleading." *Id.* The Court
18 construes Plaintiff's aforementioned request as a second request for a continuance to file his
19 opposition up to and including April 16, 2017, which the Court notes is beyond his requested
20 ninety-day continuance.

21 Having read and considered Plaintiff's request, and good cause appearing,

22 IT IS HEREBY ORDERED that Plaintiff's request for an extension of time is GRANTED
23 in part and DENIED in part. The time in which Plaintiff may file his opposition to Defendants'
24 dispositive motion will be extended up to and including **November 16, 2016**. Therefore,
25 Plaintiff's request for such an extension is GRANTED. However, the Court finds that Plaintiff is
26 not entitled to a second continuance, and DENIES his request for a continuance to file his
27 opposition up to and including April 16, 2017.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Defendants shall file a reply brief no later than **fourteen (14) days** after the date Plaintiff's opposition is filed.

Also before the Court is Plaintiff's request to file an untimely reply to Defendants' opposition to his motion for reconsideration. Dkt. 55. The Court GRANTS Plaintiff's request and directs the Clerk of the Court to file the document entitled, "Request for Leave of Court to File ****Untimely Reply to Defendants['] Opposition to Plaintiff's Motion for Reconsideration,**" and docket it as "Plaintiff's Reply to Defendants' Opposition to Plaintiff's Motion for Reconsideration."

This Order terminates Docket Nos. 55 and 56.

IT IS SO ORDERED.

Dated: October 17, 2016



YVONNE GONZALEZ ROGERS
United States District Court Judge