

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 RUDY WILKINS,
5 Plaintiff,
6 v.
7 MARIA MAGAT, et al.,
8 Defendants.

Case No. [15-cv-01706-YGR](#) (PR)

**ORDER GRANTING PLAINTIFF HIS
THIRD AND FINAL EXTENSION OF
TIME TO FILE OPPOSITION TO
DEFENDANTS' SECOND MOTION
FOR SUMMARY JUDGMENT**

9 Plaintiff Rudy Wilkins, a state prisoner who is currently housed at San Quentin State
10 Prison ("SQSP"), filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983 regarding alleged
11 violations of his federal rights.

12 In December 2016, Defendants initially moved for summary judgment, which Plaintiff
13 opposed. *See* Dkts. 65, 75. The Court denied the motion for summary judgment without
14 prejudice while discovery disputes were being resolved. Dkt. 94. On May 9, 2018, Defendants
15 filed their second motion for summary judgment. Dkt. 124. Plaintiff's opposition was due no
16 later than June 6, 2018. *See* Dkt. 117 at 7. On June 11, 2018, Plaintiff moved for an extension of
17 time to file his opposition, citing health issues. Dkt. 133. The Court granted a 35-day extension,
18 allowing him to file an opposition no later than July 11, 2018. Dkt. 134. On July 5, 2018,
19 Plaintiff moved for a second extension of time, claiming that he had no law library access due to a
20 "[m]odified program, shutdown" at SQSP. Dkt. 135. The Court extended the deadline to July 31,
21 2018 and ordered that no further extensions would be granted "absent extraordinary
22 circumstances." Dkt. 136. According to Plaintiff, the aforementioned "modified lockdown"
23 ended on July 17, 2018. Dkt. 137 at 1.

24 To date, Plaintiff has not filed an opposition even though, as mentioned above, he has been
25 granted two extensions of time to do so. *See* Dkts. 134, 136. His last opposition deadline of July
26 31, 2018 has passed. *See* Dkt. 136 at 1.

27 Before the Court is Plaintiff's request for a third extension of time in which to file his
28 opposition to Defendants' second motion for summary judgment. Dkt. 137. Plaintiff explains

1 that, as of July 30, 2018, the prison was placed on “modified program for two days” due to
2 “several violent assault incidents [of] inmates attacking . . . each other” in his dorm. *Id.* at 1-2.
3 Plaintiff also claims his law library access has been limited since June 28, 2018. *Id.* at 2.
4 He requests another extension of time up to and including August 20, 2018 in which to file his
5 opposition. *Id.* Defendants oppose Plaintiff’s request. Dkt. 138.

6 The Court finds that Plaintiff may be granted another brief third and *final* extension of time
7 to file his opposition to Defendants’ second motion for summary judgment. The time in which
8 Plaintiff may file his opposition to Defendants’ dispositive motion will be extended up to and
9 including **August 20, 2018**. Defendants shall file a reply brief no later than **fourteen (14) days**
10 after the date Plaintiff’s opposition is filed.

11 **This is Plaintiff’s *final* extension, and no further extensions will be granted.**

12 This Order terminates Docket No. 137.

13 IT IS SO ORDERED.

14 Dated: August 9, 2018

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16 YVONNE GONZALEZ ROGERS
17 United States District Judge
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