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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH HERNANDEZ,

Plaintiff,

v.

A. SCHAAD, et al.,

Defendants.

Case No. [17-cv-04055-HSG](#)

**ORDER GRANTING DEFENDANT  
BUCHANAN'S REQUEST FOR AN  
EXTENSION OF TIME TO FILE A  
DISPOSITIVE MOTION; DISMISSING  
CERTAIN DEFENDANTS;  
DIRECTIONS TO CLERK**

Re: Dkt. No. 12

Plaintiff, an inmate at Pelican Bay State Prison (“PBSP”), has filed a *pro se* civil rights action under 42 U.S.C. § 1983. Dkt. No. 1. The Court found that the complaint stated a cognizable due process claim against Defendant Buchanan. Dkt. No. 1 at 2–3 and 6. The Court dismissed with prejudice Plaintiff’s Fourteenth Amendment claims against Officers Barneburg, Lacy, Schaad, Williams, and Loheim for their actions related to a razor blade that was allegedly planted in his cell; and Plaintiff’s Fourteenth Amendment claims against Director Beard, Officers Ducart, Bradbury, Osborne, Melton, Buchanon, Lawry, Stout, and Lacy regarding prison officials’ retaliation against inmates other than Plaintiff who exercise their First Amendment rights. Dkt. No. 1 at 3–6. The Court dismissed with leave to amend Plaintiff’s First Amendment retaliation claim against Officers Higginson, Schaad, Williams, Loheim, Barneburg, Lacy, Stout, Lawry, Buchanon, Melton, Osborne, Bradbury, and Ducart. Dkt. No. 6 at 5–6. The deadline to file an amended complaint has passed, and Plaintiff has not filed an amended complaint. Accordingly, the Court DISMISSES defendants Director Beard, Officers Barneburg, Lacy, Schaad, Williams, Loheim, Ducart, Bradbury, Osborne, Buchanon, Lawry, Stout, and Higginson from this action.

The only remaining defendant in this case is Defendant Buchanan. Defendant Buchanan


1 has requested an extension of time to file a dispositive motion. Dkt. No. 12. The Court will  
2 GRANT this motion. Defendant Buchanan shall file his dispositive motion by May 29, 2018.  
3 Plaintiff's opposition to the summary judgment or other dispositive motion must be filed with the  
4 Court and served upon defendant no later than 28 days from the date the motion is filed.  
5 Defendant shall file a reply brief no later than 14 days after the date the opposition is filed. The  
6 motion shall be deemed submitted as of the date the reply brief is due. No hearing will be held on  
7 the motion.

8 The Clerk is directed to correct the spelling of Defendant Buchanan's name from  
9 Buchanon to Buchanan.

10 This order terminates Dkt. No. 12.

11 **IT IS SO ORDERED.**

12 Dated: 3/30/18

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14 HAYWOOD S. GILLIAM, JR.  
15 United States District Judge  
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