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*\*E-FILED - 8/14/09\**

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

ROBERT LEE JENKINS,

Plaintiff,

v.

OFFICER CAPLAN, et al.,

Defendants.

No. C 02-05603 RMW (PR)

ORDER DENYING DEFENDANTS'  
THIRD MOTION FOR EXTENSION OF  
TIME TO FILE MOTION FOR  
SUMMARY JUDGMENT

\_\_\_\_\_/ (Docket No. 96)

This case has been pending for seven years. Defendants' motion for summary judgment was originally due in September 2008. Defendants repeatedly asked for extensions of time, which the court granted. On June 16, 2009, after granting another extension of time to defendants, the court warned that no further extensions of time would be granted and that defendants' motion for summary judgment and their opposition to plaintiff's motion for summary judgment would be due on July 13, 2009. Yet, on July 10, 2009, one business day prior to the court-ordered deadline, defendants ignored the court's warning and once again moved for an extension of time. Defendants claimed that they needed an extension of time because two of the twenty-two defendants had not been served. (On July 6, 2009, the court issued an order attempting to ascertain the location of those two defendants.) The public's interest favors the expeditious resolution of litigation, and defendants' delay in this action has been prejudicial to plaintiff. With the passage of time witnesses' memories fade and

1 evidence becomes stale. Furthermore, the court warned defendants that no further extensions  
2 of time will be granted. Accordingly, defendants' motion for an extension of time (docket  
3 no. 96) is DENIED. Given that the deadline has passed, the court will give defendants  
4 additional ten (10) days from the date of this order to file their motion for summary judgment  
5 and their opposition to plaintiff's motion for summary judgment. Plaintiff's opposition to  
6 defendants' motion for summary judgment shall be filed with the court and served on  
7 defendants no later than **thirty (30) days** after the date defendants' motion is filed. If  
8 defendants wish to file a reply brief, they shall do so no later than **fifteen (15) days** after the  
9 date plaintiff's opposition is filed.

10 This order terminates docket no. 96.

11 IT IS SO ORDERED.

12 DATED: 8/12/09

  
RONALD M. WHYTE  
United States District Judge