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E-FILED - 4/15/09

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

RICHARD GARY HALL, JR.,

Plaintiff,

vs.

JAMES TILTON, et al.,

Defendants.

No. C 07-3233 RMW (PR)

ORDER GRANTING EXTENSION
OF TIME TO FILE A
DISPOSITIVE MOTION AND
GRANTING MOTION TO
DISMISS DEFENDANT C.
PLYMESSER

(Docket Nos. 69, 72)

Plaintiff, a California prisoner, filed this *pro se* civil rights action under 42 U.S.C. § 1983. Currently pending before this court are defendants’ motion for extension of time to file a dispositive motion and plaintiff’s motion to dismiss defendant C. Plymesser. The court addresses each motion in turn below.

A. Defendants’ Motion for Extension of Time to File a Dispositive Motion

Defendants James Tilton, J.G. Arceo, N. Grannis, D.S. Levorse, and J.H. Frye request the court for a ninety-day extension to file a dispositive motion. Defendants need more time to investigate the case and to allow service on additional defendants. Good cause appearing, defendants’ motion for extension of time (docket no. 69) is GRANTED. Defendants shall file a dispositive motion no later than **June 22, 2009**. Plaintiff’s opposition to the dispositive motion shall be filed with the court and served on defendants

1 no later than **thirty (30) days** from the date defendants' motion is filed. Defendants shall
2 file a reply brief no later than **fifteen (15) days** after plaintiff's opposition is filed.

3 B. Plaintiff's Motion to Dismiss Defendant C. Plymesser from His Suit

4 Plaintiff moves the court to dismiss defendant C. Plymesser from his lawsuit.
5 Defendants did not file a response to this motion. Rule 21 of the Federal Rules of Civil
6 Procedure permits a court, upon motion or on its own, to "drop a party" from a suit.
7 Accordingly, the court GRANTS plaintiff's motion to voluntarily dismiss defendant C.
8 Plymesser from this suit (docket no. 72).

9 This order terminates docket nos. 69 and 72.

10 IT IS SO ORDERED.

11 DATED: 4/14/09


RONALD M. WHYTE
United States District Judge