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NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEVIN ROBY,	)	No. C 08-01113 JF (PR)
	)	
Plaintiff,	)	ORDER GRANTING MOTION FOR
	)	CONTINUANCE TO FILE
vs.	)	OPPOSITION; SCHEDULING
	)	BRIEFING ON DEFENDANTS'
	)	MOTION TO DISMISS
T. STEWART, et al.,	)	
	)	
Defendants.	)	
	)	
_____	)	(Docket No. 61)

Plaintiff, a California prisoner incarcerated at Pelican Bay State Prison (“PBSP”) and proceeding pro se, filed the instant civil rights action pursuant to 42 U.S.C. § 1983 against California state prison officials. Defendants filed a motion to dismiss on the grounds that Plaintiff’s claims are time-barred. (Docket No. 42.) Defendants also filed a motion to stay discovery (Docket No. 45) until the Court had ruled on their motion to dismiss. The Court granted the stay in part, and allowed Plaintiff an opportunity to submit a limited discovery request within twenty days of the order. (Docket No. 60.) Briefing on Defendants’ motion to dismiss was stayed pending resolution of Plaintiff’s discovery requests. (Id.)

Plaintiff has filed a “notice of continuance on Plaintiff’s opposition to Defendants’

1 motion to dismiss” wherein he states that he “no longer requires discovery at this time.”  
2 (Docket No. 61.) He requests a 30-day extension of time to file an opposition to  
3 Defendants’ motion to dismiss. (Id.) The motion is GRANTED.

4  
5 **CONCLUSION**

6 For the foregoing reasons, the Court orders as follows:

7 1. Plaintiff’s motion for a continuance to file an opposition (Docket No. 61) is  
8 GRANTED. Plaintiff’s opposition to Defendants’ motion to dismiss shall be filed with  
9 the Court and served on Defendants **no later than thirty (30) days** from the date this  
10 order is filed.

11 2. Defendants shall file a reply brief no later than **fifteen (15) days** after  
12 Plaintiff’s opposition is filed.

13 3. All other provisions of the Court’s “Order after Remand Opening Case”  
14 (Docket No. 39) shall remain in effect.

15 This order terminates Docket No. 61.

16 IT IS SO ORDERED.

17 DATED: 7/28/11

18   
19 \_\_\_\_\_  
20 JEREMY FOGEL  
21 United States District Judge  
22  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

KEVIN G. ROBY,  
Plaintiff,

Case Number: CV08-01113 JF

**CERTIFICATE OF SERVICE**

v.

T. STEWART, et al.,  
Defendants.

\_\_\_\_\_/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 7/29/11, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kevin G. Roby D-93298  
Pelican Bay State Prison  
P.O. Box 7500  
A5-218-PBSP  
Crescent City, CA 95532

Dated: 7/29/11

Richard W. Wieking, Clerk