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**\*E-FILED - 8/7/09\***

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

ROY A. MONTES,  
Plaintiff,  
v.  
CORRECTIONAL OFFICER P.  
RAFALOWSKI ET AL.,  
Defendants.

No. C 09-0976 RMW (PR)  
ORDER GRANTING  
DEFENDANT’S REQUEST  
FOR EXTENSION OF TIME  
TO FILE DISPOSITIVE  
MOTION AND DENYING  
PLAINTIFF’S MOTION  
FOR DEFAULT  
JUDGMENT  
(Docket Nos. 9, 12)

Plaintiff, a state prisoner proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. On July 21, 2009, defendant Rafalowski moved for an extension of time to file his dispositive motion. Good cause appearing, defendant’s request (docket no. 9) is GRANTED. Defendant shall file his dispositive motion on or before **September 11, 2009**. Plaintiff’s opposition will be due no later than 30 days from the date defendant’s motion is filed. Defendant shall file a reply no later than 15 days after plaintiff’s opposition is filed.

Because the court grants defendant’s request for extension of time, the court DENIES plaintiff’s motion for default judgment (docket no. 12). No other defendants, except for defendant Rafalowski appear to have been served at this time, and the court found that Rafalowski showed good cause for the delay in filing of his dispositive motion.

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IT IS SO ORDERED.

DATED: 8/5/09



RONALD M. WHYTE  
United States District Judge