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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DEREK FRANK LATIMER, <div style="text-align: center;">Plaintiff,</div> vs. WILLIAM B. KOLENDER; COUNTY OF SAN DIEGO, et al. <div style="text-align: center;">Defendants.</div>	
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CASE NO. 05cv2090 JM(JMA)

**ORDER DENYING REQUEST FOR
PRODUCTION OF DOCUMENTS
WITHOUT PREJUDICE;
GRANTING MOTION FOR
ENLARGEMENT OF TIME TO FILE
FOURTH AMENDED COMPLAINT**


Plaintiff commenced this civil rights action on November 9, 2005. On October 30, 2008 the court granted Sheriff Kolendar and County of San Diego’s motion to dismiss with prejudice but granted Plaintiff 45 days leave to amend to file a Fourth Amended Complaint and to serve the additionally named Defendants. On or about December 16, 2008 Plaintiff filed a document (1) providing notice of his intent to appeal this court’s October 30, 2008 order; (2) requesting the production of documents identifying the unserved “Doe” Defendants; and (3) providing notice that he may file the Fourth Amended Complaint 10 days late. With respect to his request for production of documents the court denies the motion without prejudice. Any request for discovery must be directed to the Magistrate Judge assigned to the case pursuant to the Amended Case Management Conference Order filed on February 1, 2008.

With respect to Plaintiff’s “Notice” that the Fourth Amended Complaint may be filed 10 days
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1 late, the court construes the motion as one for enlargement of time. The court grants Plaintiff leave
2 to file the Fourth Amended Complaint no later than by January 16, 2009.

3 **IT IS SO ORDERED.**

4 DATED: January 4, 2009



Hon. Jeffrey T. Miller
United States District Judge

6 cc: All parties
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