

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CLIFFORD ALLAN VENSON,

Plaintiff,

v.

SERGEANT Q. JACKSON, et al.,

Defendants.

Case No.: 18CV2278-BAS (BLM)

**ORDER REQUIRING DEFENDANT TO  
RE-SERVE MOTION FOR SUMMARY  
JUDGMENT ON PLAINTIFF**

On October 28, 2019, Plaintiff Clifford Allan Venson, a state prisoner proceeding *pro se* and *in forma pauperis*, filed a second amended complaint under the Civil Rights Act, 42 U.S.C. § 1983 against Defendants Q. Jackson, R. Hernandez, A. S. Diaz, and J. Knight. ECF No. 60.

On June 29, 2020, Defendant Knight filed a motion for summary judgment arguing that

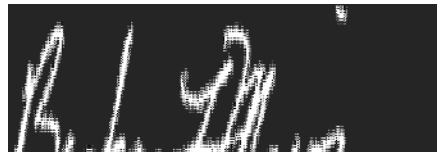
Defendant is entitled to judgment as a matter of law because there is no genuine dispute of material fact as to the following: (1) Plaintiff did not exhaust the California Department of Corrections and Rehabilitation's (CDCR) available administrative grievance procedures as to his claims against Defendant Knight; (2) Plaintiff's cause of action for retaliation under the First Amendment against Defendant Knight fails as a matter of law; and (3) Defendant Knight is entitled to qualified immunity.

ECF No. 101 at 2. Plaintiff timely opposed the motion on July 13, 2020, however, Plaintiff's opposition states that he opposed the motion for summary judgment without receiving a copy of the motion. ECF No. 107. Specifically, Plaintiff declares that he "did not receive a copy of the summary judgment ECF 101" and that he submitted his "opposition to defendants [sic] motion based on Court order [ECF No. 103, Klingele/Rand Notice and Scheduling Order]." ECF No. 107 at 6 at ¶ 2.

Defendant served the motion for summary judgement [ECF No. 101] on Plaintiff on June 29, 2020, but the address listed on the certificate of service [ECF No. 102]<sup>1</sup> uses a different zip code and PO Box than the address listed on the Notice of Change of Address that Plaintiff filed on December 12, 2019 [see ECF No. 66]<sup>2</sup>, the address listed on several of Plaintiff's pleadings [see ECF Nos. 75, 78, 80, 107, 109, 114]<sup>3</sup>, and the address listed for Salinas Valley State Prison on the CDCR website.<sup>4</sup> Accordingly, the Court **ORDERS** Defendant to re-serve the motion for summary judgement on Plaintiff by **September 11, 2020**. If Plaintiff wishes to file a supplemental opposition, he must do so by **October 9, 2020**. Defendant's reply, if any, must be filed by **October 23, 2020**.

**IT IS SO ORDERED.**

Dated: 9/9/2020



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<sup>1</sup> Clifford Allan Venson D-92349, Salinas Valley State Prison, P.O. Box 1020/D6-201, Soledad, CA 93460.

<sup>2</sup> Clifford Allan Venson, Salinas Valley State Prison, P.O. Box 1020/D6-201, Soledad, CA 93960.

<sup>3</sup> Clifford Allan Venson, D92349, Salinas Valley State Prison, P.O. Box 1050, Soledad, CA 93960.

<sup>4</sup> See <https://www.cdcr.ca.gov/Facility-Locator/SVSP/> ("Mailing Addresses Institution: P. O. Box 1020, Soledad, CA 93960-1020 [and] Inmate Mail: P. O. Box 1050, Soledad, CA 93960-1050.").