

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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TRAVIS HEFFLEY,		:
		:
Plaintiff,		:
		:
v.		:
		:
		:
FEDERAL BUREAU OF PRISONS		:
FCI FORT DIX, et al.,		:
		:
Defendants.		:
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Civ. No. 17-3647 (NLH) (SAK)  
MEMORANDUM OPINION AND ORDER

APPEARANCES:

Travis Heffley  
17225-097  
Otisville  
Federal Correctional Institution  
Inmate Mail/Parcels  
P.O. Box 1000  
Otisville, NY 10963

*Plaintiff pro se*

Philip R. Sellinger, United States Attorney  
Heather Carney Costanzo, Assistant United States Attorney  
DOJ-USAO  
District Of New Jersey  
402 East State Street  
Suite 430  
Trenton, NJ 08608

*Counsel for Defendants*

HILLMAN, District Judge

WHEREAS, Plaintiff Travis Heffley filed a complaint  
alleging excessive force during a cell extraction at FCI Fort  
Dix, ECF No. 1; and

WHEREAS, Magistrate Judge King appointed counsel for Plaintiff for the limited purpose of serving Defendants, ECF No. 40. Defendants have now been served and have moved for dismissal of the complaint under Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6), ECF No. 62; and

WHEREAS, Magistrate Judge King issued an order terminating counsel's representation on April 20, 2023, ECF No. 66.<sup>1</sup> Plaintiff is continuing in this matter pro se; and

WHEREAS, Defendants' motion to dismiss includes electronic materials: footage of the cell extraction at issue in Plaintiff's complaint, see ECF No. 64; and

WHEREAS, Magistrate Judge King entered a Discovery Confidentiality Order setting forth the terms under which Plaintiff shall be given access to view the footage, ECF No. 65; and

WHEREAS, according to Defendants, "BOP policy at FCI Otisville provides that staff will log his copy of the video in as discovery, along with a chain of custody, send it to the unit manager, and upon assessment that it is discovery for a legal action, log it in to the education department, for Mr. Heffley's viewing in the education department." ECF No. 64 at 2. "This procedure, while time consuming, ensures that Mr. Heffley can

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<sup>1</sup> The Court extends its appreciation to appointed counsel for the time and effort expended on this case.

safely view the video to prepare his opposition to our motion, without introducing any security concerns to the BOP institution.” Id.; and

WHEREAS, Defendants request that the Court extend Plaintiff’s time to respond to the motion to dismiss for 45 days, id.; and

WHEREAS, the Court agrees that an extension of time for Plaintiff to respond to the motion to dismiss is warranted because of the “time consuming” process that is necessary to comply with BOP’s security procedures; and

WHEREAS, Magistrate Judge King entered the Discovery Confidentiality Order on April 19, 2023, ECF No. 65. Forty-five days from that date is June 3, 2023. As that date is a Saturday, the Court extends the time for Plaintiff to file opposition until Tuesday, June 6, 2023 to align with the June 20, 2023 motion day. Fed. R. Civ. P. 6(a)(1)(C); and

WHEREAS, Defendants shall file any reply papers by June 13, 2023,

IT IS therefore on this 21st day of April, 2023, ORDERED that Defendants’ request for an extension of time for Plaintiff to submit his opposition papers, ECF No. 64, shall be, and the same hereby is, GRANTED; and it is further

ORDERED that the motion to dismiss, ECF No. 62, shall be adjourned until the June 20, 2023 motion day; and it is further

ORDERED that Plaintiff's opposition is due June 6, 2023.  
Defendants' reply papers are due June 13, 2023; and it is  
finally

ORDERED that the Clerk of the Court shall send a copy of  
this Order to Plaintiff by regular U.S. mail.

At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.