

1
2
3
4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 LARRY LLOYD,

8 Plaintiff,

9 v.

10 BRIAN YANKEY, JOHN DOE, P.A.
11 JOHNSON, BRUCE KALER, SUE
12 STEVEN,

Defendants.

No. C12-5913 RJB/KLS

ORDER DENYING SECOND
EXTENSION OF TIME TO RESPOND TO
MOTION TO DISMISS

13 Defendant Brian Yankey filed a motion to dismiss on January 31, 2012. ECF No. 23.
14 Two weeks after his deadline to respond, Plaintiff requested and was granted a forty-five (45)
15 day extension of time to file his response and the motion to dismiss was re-noted for April 12,
16 2013. ECF Nos. 27 and 28. On March 20, 2013, Plaintiff requested that the Court send him a
17 copy of his complaint. ECF No. 30. He did not request a copy of the pending motion to
18 dismiss. The Clerk sent Plaintiff a copy of his complaint, without cost, on March 21, 2013.

19
20 On April 1, 2013, Plaintiff obtained another copy of Defendants' motion from the Kitsap
21 County Prosecutor's office. ECF No. 35 (Declaration of Carrie Bruce, Exhibit B). Plaintiff
22 now seeks an additional continuance due to the prosecutor's "delay and failure to forward a
23 copy of Defendants' motion to dismiss." ECF No. 31, p. 1. However, the docket reflects that
24 Plaintiff was served with Defendant Yankey's motion a full week before he was arrested and
25 booked into the Kitsap County Jail on February 7, 2013. ECF No. 35 (Declaration of Carrie
26 Bruce, Exhibit A). Moreover, in his first motion for extension, Plaintiff conceded that he was in

ORDER - 1

1 possession of Defendant's motion, had reviewed it, and was aware of its contents. ECF No. 27,
2 p. 3.

3 Based on the foregoing, the undersigned finds that Plaintiff has failed to show good
4 cause for yet another extension of Defendant Yankey's motion to dismiss. See Fed.R.Civ.P.
5 6(b)(1).

6 Accordingly, it is **ORDERED**:

7
8 (1) Plaintiff's second motion for an extension (ECF No. 31) is **DENIED**. Defendant
9 Yankey's motion to dismiss (ECF No. 23) shall be considered as currently noted.

10 (2) The Clerk shall send a copy of this Order to Plaintiff and to counsel for
11 Defendants.

12 **DATED** this 22nd day of April, 2013.

13
14 
15 Karen L. Strombom
16 United States Magistrate Judge
17
18
19
20
21
22
23
24
25
26