

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

8 SYLVESTER JAMES MAHONE,

9 Plaintiff,

10 v.

11 PIERCE COUNTY, PAUL PASTOR, TONY
12 GENGA, GEORGE WASSON, TERRY
13 REMBERT, JESSE BOYLE, SCOTT
KASTEN, ILSOP LEE,

14 Defendants.

No. C14-5665 BHS-KLS

**ORDER GRANTING PLAINTIFF'S
MOTION FOR EXTENSION TO
RESPOND TO MOTION FOR
SUMMARY JUDGMENT**

15 On June 15, 2015, Defendants filed a “motion to dismiss under FRCP 12(c) and/or FRCP
16 56.” Dkt. 53. Defendants move for judgment on the pleadings and/or for summary judgment.
17 *Id.* Attached to the motion are documents and evidence outside of the pleadings. *Id.* On July 1,
18 2015, the Court provided a notice to Plaintiff pursuant to *Woods v. Carey*, 684 F.3d 934, 935,
19 940–41 (9th Cir. 2012) and re-noted Defendants’ motion for July 24, 2015. Dkt. 59. On July 20,
20 2015, Plaintiff filed a motion seeking an extension of his time to respond until September 31
21 [sic], 2015.

22
23 Plaintiff, who is no longer incarcerated, moved to the State of Georgia on June 2, 2015.
24 He states that he has not received “the full discovery from the Defendants sufficient to
25 adequately respond” to the motion, that he has left messages with counsel for Defendants, and
26 that he is caring for his 76 year old father who is hospitalized. Dkt. 60, p. 3.

ORDER - 1

1 The Court notes that the discovery deadline in this case expired in April 2015 (Dkt. 19),
2 that the Court resolved Plaintiff's motion to compel on March 26, 2015 (Dkt. 49), Defendants
3 filed a notice of compliance with the Court's order on the motion to compel (Dkt. 57), and that
4 no further discovery motions or requests for extension of discovery have been filed. However,
5 based on Plaintiff's family obligations and recent move, the Court finds that the extension
6 requested is not unreasonable.
7

8 It is, therefore, **ORDERED:**

9 (1) The Clerk of Court shall **re-note** Defendants' motion to dismiss and/or for
10 summary judgment (Dkt. 53) for **October 2, 2015**. Thus, Plaintiff's response to the motion is
11 due on **September 28, 2015** and Defendants' reply is due on **October 2, 2015**.

12 (2) The Clerk shall send a copy of this Order to Plaintiff and to counsel for
13 Defendants.
14

15 **DATED** this 3rd day of August, 2015.
16

17 

18 Karen L. Strombom
19 United States Magistrate Judge
20
21
22
23
24
25
26