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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT TACOMA**

10 JOHN E. BETTYS,

11 Plaintiff,

12 v.

13 KEVIN W. QUIGLEY, et al.,

14 Defendants.

No. 16-cv-5076-RJB-JRC

ORDER ON PLAINTIFF'S
MOTION FOR LEAVE TO
FILE EXCESS PAGES AND
FOR AN EXTENSION

15 This 42 U.S.C. § 1983 civil rights matter has been referred to the undersigned
16 Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and Local Magistrate
17 Judge Rules MJR 1, MJR 3, and MJR 4. This matter is before the Court on plaintiff's
18 motion for leave to file excess pages and motion to enlarge time for the filing of his
19 response to defendants' motion for summary judgment. Dkt. 125. Defendants object. Dkt.
20 126.
21

22 Previously, on November 3, 2017, this Court granted defendants' motion for leave
23 to file excess pages in support of their motion for summary judgment. *See* Dkt. 115.
24 Because plaintiff automatically receives "an equal number of additional pages,"
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1 plaintiff's motion currently before the Court requesting additional pages to respond is
2 unnecessary. *See* Local Rules WAWD Civil Rule 7(f)(4). Defendants received and
3 utilized 16 additional pages for their motion, and plaintiff automatically receives the same
4 amount of pages for his brief in opposition. *See id.* To the extent that plaintiff may be
5 seeking more additional pages beyond the additional 16 pages, and seeks to file a
6 response longer than defendants' motion, plaintiff's motion is denied. *See* Dkt. 125.
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8 Plaintiff also requests additional time to respond to defendants' long motion for
9 summary judgment. Defendants complain that plaintiff did not contact them to request
10 an extension, and that he declined to enter into an agreed briefing schedule with them.
11 *See* Dkt. 126, p. 2. Although defendants also contest plaintiff's contention that he is a
12 "mere 'pro se' layman of law struggling to respond," plaintiff actually is proceeding pro
13 se and is not an attorney. For this reason, because defendants' motion is very long, and
14 to give plaintiff a fair opportunity to respond to defendants' motion, plaintiff's motion
15 for an extension is granted. Defendants also are provided an extension for their reply, as
16 requested.
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20 **BACKGROUND**

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22 Plaintiff's underlying § 1983 action alleging unconstitutional conditions of
23 confinement raises various issues, such as the allegation that plaintiff receives less Sexual
24 Offender Treatment Program ("SOTP") hours of treatment while he is being civilly
25 detained as a Sexually Violent Predator ("SVP") than is provided to prisoners. *See* Dkt.
26

1 82, ¶ 4.2. In addition to his allegations regarding insufficient SOTP treatment, plaintiff
2 also presents multiple various other types of allegations. *See, e.g., id.* at ¶ 4.17.

3 4 **DISCUSSION**

5 Defendants, in their motion for leave to file an overlength brief, argued that
6 plaintiff's numerous claims "go into detail regarding numerous aspects of daily living at
7 the Special Commitment Center," and that they believed it would "be necessary to exceed
8 the page limit to address these claims sufficiently to provide the Court with a roadmap to
9 reaching a decision." Dkt. 114. The Court found defendants' argument to be persuasive,
10 granted their motion, and they subsequently filed a 40 page motion. *See* Dkt. 117.

12 Now, plaintiff, proceeding pro se, seeks 9 additional days in which to respond to
13 defendants' motion, until December 20, 2017. *See* Dkt. 125. Plaintiff contends that he is
14 "a mere 'pro se' layman of law struggling through extensive discovery documentation,
15 case-law histories and witness declarations, without any formal legal training to assist
16 him in timely preparing meaningful responsive legal pleadings." *Id.* at 3. Although this
17 self-characterization is disputed, the Court finds it to be persuasive. Plaintiff also
18 indicates that he "must complete obtaining declaratory evidence from all relevant
19 witnesses himself, in addition to researching relevant case-law in response to the defense
20 counsel's over-length motion" *Id.* at 2-3. This argument, too, the Court finds
21 persuasive.
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25 In order to serve the interests of justice and facilitate a full and fair opportunity
26 for plaintiff to present his position, the Court grants plaintiff's motion for an extension

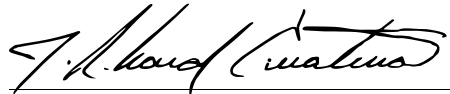
1 until December 20, 2017. Defendants complain that they will be prejudiced by such an
2 extension, noting that they likely will not receive plaintiff's brief until after the Christmas
3 holiday, and they have other briefs due and some counsel will be out of the office. *See*
4 Dkt. 126. To alleviate these time constraint issues that granting plaintiff's motion may
5 cause defendants, defendants' request that if his motion is granted that they also be
6 granted an extension (until January 5, 2018) to file their reply, is granted.
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9 CONCLUSION

10 For the reasons stated herein, the Court hereby orders that plaintiff's Motion for
11 extension of time is **GRANTED**. Dkt. 125. His motion to file excess pages is **DENIED**.
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13 Plaintiff's response brief, with a maximum of 16 additional pages, is due on
14 December 20, 2017. Defendants' reply brief is due on January 5, 2018. The Clerk's office
15 is directed to re-note this matter for January 5, 2018.
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17 Dated this 7th day of December, 2017.

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20 J. Richard Creatura
21 United States Magistrate Judge
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