

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

JIMMY C. MOORE,

Plaintiff,

v.

RANDY VALLEY III; RONA
SIEGERT; CENTURION OF IDAHO,
LLC; RADA SADACHARN;
MURRAY YOUNG; and BRANDON
ISAACS,

Defendants.

Case No. 1:23-cv-00090-BLW

ORDER

Pending before the Court are several motions filed by the parties, which the Court addresses below.

1. Plaintiff's Motion for Extension of Time for Service and Defendants Centurion of Idaho, LLC, Sadacharan, Young and Isaacs's Motion to Dismiss

Plaintiff, a former prisoner, seeks an extension of time for service. Mindful of Plaintiff's pro se status, the Court will grant Plaintiff's request in part. All unserved Defendants must be served no later than 30 days after entry of this Order.

The Court's grant of Plaintiff's requested extension moots the motion to dismiss filed by Defendants Centurion of Idaho, LLC, Sadacharan, Young, and Isaacs because that motion is based solely on failure of timely and proper service. If service is not properly accomplished on the unserved Defendants within 30 days, such Defendants may refile a motion to dismiss.

2. Defendant Valley's Motion to Dismiss

Plaintiff was previously allowed to proceed on claims for injunctive relief, but not for damages, against Defendant Valley, then the warden of the prison in which Plaintiff was confined. *See* Dkt. 13. Defendant Valley now moves for dismissal of the claims against him because Plaintiff has been released from prison.

Plaintiff's release from prison moots his claims for injunctive relief "unless the suit has been certified as a class action." *Dilley v. Gunn*, 64 F.3d 1365, 1368 (9th Cir. 1995). Because this case has not been so certified, the Court will grant Defendant Valley's motion to dismiss.

ORDER

IT IS ORDERED:

1. Plaintiff's Motion for Extension of Time to respond to Defendants' motions to dismiss (Dkt. 40) is GRANTED, and Plaintiffs' responses are deemed timely.
2. Plaintiff's Motion for Extension of Time for Service (Dkt. 28) is GRANTED IN PART. Within 30 days after entry of this Order, Plaintiff must accomplish formal service of process on all Defendants who have not yet been properly served. The Court will not consider additional extensions of time absent extraordinary circumstances.
3. Defendants Centurion of Idaho, LLC, Sadacharan, Young and Isaacs's Motion to Dismiss (Dkt. 20) is MOOT. The motion may be refiled if these Defendants are not timely and properly served.

4. Defendant Valley's Motion to Dismiss (Dkt. 23) is GRANTED. All claims against Defendant Valley (and his successor-in-office) are DISMISSED AS MOOT.
5. Plaintiff's Motion to Substitute Party (Dkt. 36) is NOTED.
6. Any Defendants who have already been properly served, and who have not responded to the Complaint, must do so within 21 days after entry of this Order, either by answer or pre-answer motion.



DATED: October 4, 2024

A handwritten signature in black ink, reading "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
U.S. District Court Judge