

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAYLA SUGGETT,

Plaintiff,

v.

SOLANO COUNTY, *et al.*,

Defendants.

Case No. 2:23-cv-0907-TLN-JDP (P)

ORDER

On October 28, 2025, defendant Wellpath Medical (“Wellpath”) moved to dismiss the claims against it. ECF No. 34. On December 9, 2025, when plaintiff failed to respond to the motion, I entered a show cause order directing her explain why this action should not be dismissed for failure to prosecute. ECF No. 36. Plaintiff filed an “opposition” to the motion to dismiss on January 5, 2026, wherein she stated that she had never received the motion to dismiss. ECF No. 37. Defendant Wellpath re-served a copy of its motion to dismiss on plaintiff at her most recent address on January 12, 2026. ECF No. 38. Plaintiff filed a response on February 23, 2026, indicating that, while she had received Wellpath’s “reply,” she still had not received a copy of the motion to dismiss. ECF No. 39.

Based on the foregoing, I will direct Wellpath to attempt to serve its motion to dismiss on plaintiff one final time. I note that plaintiff is receiving other legal mail at her current address

1 and, thus, it does not appear to be an issue with either the address or mail being generally
2 withheld by prison officials. Wellpath is advised that, in re-serving its lengthy motion to dismiss,
3 it should avoid using metal bindings (other than staples), as the inclusion of metal might implicate
4 prison security concerns.

5 Accordingly, it is ORDERED that defendant Wellpath is directed to re-serve its motion to
6 dismiss on plaintiff by March 25, 2026. Plaintiff shall have until May 1, 2026 to file an
7 opposition, and Wellpath shall have until May 15, 2026 to file a reply. If plaintiff does not file an
8 opposition within that deadline, I will deem the motion submitted and issue my recommendations
9 based on the docket as it stands.

10
11 IT IS SO ORDERED.

12 Dated: March 18, 2026

13 
14 JEREMY D. PETERSON
15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28