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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

BRYAN E. RANSOM,

Plaintiff,

v.

A. K. SCRIBNER, et al.,

Defendants.

CASE NO. 1:06-CV-00208-LJO-DLB PC

ORDER DENYING PLAINTIFF’S MOTION FOR FURTHER DISCOVERY (DOC. 70)

ORDER REQUIRING PLAINTIFF TO FILE OPPOSITION TO DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT WITHIN THIRTY (30) DAYS

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Plaintiff Bryan E. Ransom (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s complaint against Defendants Duncan and Scribner. On October 14, 2010, Defendants filed a motion for summary judgment. Doc. 66. Currently pending before the Court is Plaintiff’s motion requesting that Defendants’ motion be denied or continued until Plaintiff completes further discovery, filed on December 6, 2010.<sup>1</sup> Doc. 70. Defendants filed their opposition on December 10, 2010. Doc. 78. Plaintiff filed his reply on December 30, 2010. Doc. 79. The matter is submitted pursuant to Local Rule 230(l).

Plaintiff contends that he cannot present facts essential to his opposition unless he is permitted to take discovery. However, the Court by separate order denied Plaintiff’s motion for modification of the scheduling order regarding discovery. Plaintiff did not demonstrate good

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<sup>1</sup> This motion was previously governed under Federal Rule of Civil Procedure 56(f).

1 cause for modification of the scheduling order. *See* Fed. R. Civ. P. 16(b)(4); September 14, 2010  
2 Order, Doc. 62; September 29, 2010 Order Denying Reconsideration, Doc. 64.

3 Plaintiff had ample opportunity to take discovery in this action, but did not do so in  
4 compliance with the Court's scheduling order. Plaintiff also failed to seek modification of the  
5 scheduling order before the discovery cut-off date was reached. The Court does not find good  
6 cause to permit Plaintiff to conduct additional discovery in this action. The Court will require  
7 Plaintiff to file an opposition.<sup>2</sup>

8 Accordingly, Plaintiff's motion for deferring consideration of Defendants' motion for  
9 summary judgment, filed December 6, 2010, is DENIED. Plaintiff is ORDERED to file an  
10 opposition to Defendants' motion for summary judgment within thirty (30) days from the date of  
11 service of this order. If Plaintiff fails to file a timely opposition, the Court will construe such  
12 failure as a waiver of opposition and may recommend dismissal of this action for failure to obey  
13 a court order.

14 IT IS SO ORDERED.

15 **Dated: February 1, 2011**

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE

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26 <sup>2</sup> Plaintiff filed a documents that claimed to be an opposition to Defendants' motion for summary  
27 judgment. *See* Docs. 72, 73, 74, 75. A review of those documents indicates that Plaintiff did not actually file a  
28 complete opposition to Defendants' motion, but rather filed his own motion for summary judgment. The only  
responsive document Plaintiff filed was an admission or denial of Defendants' statement of undisputed facts. Doc.  
71. The Court thus does not find that Plaintiff has filed an opposition to Defendants' motion.