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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT BENYAMINI,

Plaintiff,

vs.

DEBBIE MANJUANO, et al.,

Defendants.

1:06-cv-01096-AWI-GSA-PC

ORDER DENYING MOTION FOR
IMMEDIATE RULING
(Doc. 226.)

I. BACKGROUND

Robert Benyamini (“Plaintiff”) is a former prisoner in this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds on the Third Amended Complaint, filed on May 23, 2008, against defendants Mandujano, Wilcox, Wilkerson, and O’Grady (“Defendants”) on Plaintiff’s Eighth Amendment claims for adverse conditions of confinement. (Doc. 35.)

On August 8, 2011, defendant Mandujano filed a motion for summary judgment. (Doc. 106.) On August 30, 2011, Plaintiff filed an opposition. (Doc. 117.) On September 9, 2011, defendant Mandujano filed a reply to the opposition. (Doc. 119.) On October 18, 2011, the motion for summary judgment was stayed pending the resolution of an appeal to the Ninth Circuit filed by Plaintiff. (Doc. 141.) In light of the Ninth Circuit’s decision in Woods v. Carey, 684 F.3d 934 (9th Cir. 2012), the court entered orders on August 10, 2012 and August 23, 2012, permitting plaintiff the opportunity to withdraw his prior opposition to the motion for

1 summary judgment and file an amended opposition. (Docs. 197, 199.) On December 10, 2012,
2 Plaintiff filed an amended opposition. (Doc. 221.) On December 14, 2012, defendant
3 Mandujano filed a reply to the amended opposition. (Doc. 224.)

4 On July 12, 2013, Plaintiff filed a motion for an immediate ruling on the motion for
5 summary judgment. (Doc. 226.)

6 **II. PLAINTIFF’S MOTION**

7 Plaintiff argues that the court has not made a timely ruling on defendant Mandujano’s
8 motion for summary judgment, because more than thirty days has passed since he filed his
9 opposition to the motion for summary judgment. Plaintiff asserts that Rules of Court require
10 the court to make a ruling within thirty days. Plaintiff also argues that the court should make
11 an immediate ruling because “Plaintiff is on summer break and school will continue August 16,
12 2013,” and the motion should be easy to decide. (Motion, Doc. 226 at 2:4.)

13 Plaintiff cites no authority for his assertion that Rules of Court require a ruling by the
14 court within thirty days, and Plaintiff’s arguments are unpersuasive. The court finds no good
15 cause to grant Plaintiff’s motion.

16 **III. CONCLUSION**

17 Accordingly, Plaintiff’s motion for an immediate ruling on the motion for summary
18 judgment is DENIED.

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21 IT IS SO ORDERED.

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23 Dated: July 15, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE