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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY DEAN SLAMA,

CASE NO. 1:08-cv-00810-AWI-SKO

Plaintiff,

**ORDER GRANTING PLAINTIFF'S
MOTION FOR AN EXTENSION OF
TIME TO FILE A RULE 56(d)
MOTION**

v.

CITY OF MADERA, et al.,

(Docket No. 85)

Defendants.

_____/

Plaintiff Anthony Dean Slama ("Plaintiff") is a state prisoner currently proceeding pro se and *in forma pauperis*. On September 12, 2011, the Court issued an order granting Plaintiff's motion for reconsideration and vacating the prior summary judgment orders. (Doc. 74.) Plaintiff was ordered to file a response to Defendants' two summary judgment motions (Docs. 53, 57) within sixty (60) days of the date of the order.

On October 20, 2011, the Court granted Plaintiff's motion requesting a 60-day extension of time to file the responses to Defendants' motions for summary judgment. (Doc. 81.) Plaintiff was ordered to file his response to Defendants' summary judgment motions by January 13, 2012. (Doc. 81.)

1 On December 7, 2011, the Court denied Plaintiff's motion to compel the production of
2 documents and indicated that if Plaintiff sought to file a motion pursuant to Rule 56(d) of the Federal
3 Rules of Civil Procedure, such motion was to be filed within thirty (30) days of the Court's ruling.
4 (Doc. 84.) Thus, any Rule 56(d) motion by Plaintiff was due by January 9, 2012.¹

5 On January 9, 2012, Plaintiff filed the instant motion requesting a 30- to 45-day extension
6 of time to file a Rule 56(d) motion. (Doc. 85.) Defendants oppose the motion. (Doc. 86.)

7 Plaintiff contends that he needs the extension to "develop" the Rule 56(d) motion and to
8 integrate "the facts necessary to make clear what information is being sought and how that would
9 preclude the defendants["] motion for summary judgment." (Doc. 85, 2:22-3:4.) Alternatively,
10 Plaintiff requests an extension of time to "fully answer" the pending motions for summary judgment.
11 (Doc. 85, 3:1-2.) Plaintiff indicates that he has discovered "inactions" on the part of his prior
12 counsel, implies that he had insufficient time to analyze Defendants' comprehensive summary
13 judgment motions, and states that his access to the law library is limited. (Doc. 85, 1:26-3:9.)

14 Upon consideration of Plaintiff's contentions, the Court will allow one additional extension
15 of time. As such, Plaintiff's request for an extension of time is GRANTED to allow Plaintiff to file
16 either a Rule 56(d) motion or a response to Defendants' motions for summary judgment. However,
17 absent truly good cause, no further extensions of time will be authorized. Plaintiff is warned that
18 the Court will recommend that Plaintiff's case be dismissed with prejudice for failure to prosecute
19 if Plaintiff fails to file either a motion or response by February 27, 2012.

20 Accordingly, IT IS HEREBY ORDERED that:

- 21 1. Plaintiff's motion for an extension of time is GRANTED;
- 22 2. Plaintiff shall file either a motion pursuant to Rule 56(d) of the Federal Rules of Civil
23 Procedure OR his response to Defendants' motions for summary judgment on or
24 before February 27, 2012; and

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¹ This date reflects application of the Federal Rules of Civil Procedure 6(a)(1)(C), 6(a)(6)(A), and 6(d).

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3. If Plaintiff fails to file a motion or a response, the Court will recommend that this action be dismissed with prejudice.

IT IS SO ORDERED.

Dated: January 13, 2012

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE