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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BARRY LOUIS LAMON
Plaintiff,
v.
DERRAL ADAMS, et al.,
Defendants.

Case No. 1:09-cv-00205-LJO-SMS PC
ORDER DENYING PLAINTIFF'S
REQUEST FOR AN ENLARGEMENT
OF TIME TO FILE A REPLY BRIEF

(Doc. 257)

On November 12, 2013, Defendants filed a motion for summary judgment. On December 23, 2013, Plaintiff Barry Lamon moved for a 90-day extension of time to file his reply. On January 15, 2014, the Court granted Plaintiff a 45-day extension, specifying that no further extensions would be granted. In an order granting Plaintiff's motion to compel on January 28, 2014, however, the filing deadline for Plaintiff's reply brief was extended for an additional 45 days to ensure that Plaintiff had sufficient time to complete his brief following his receipt of the designated discovery. Accordingly, Plaintiff's brief was to have been filed with the Clerk of Court by April 15, 2014, with no further extensions to be granted. The summary judgment motion was calendared for April 23, 2014, at which time the Court took the matter under submission.

Despite having more than five months to work on the reply brief, Plaintiff now states that he did not begin working on the brief until "the day after April 3, 2014" (presumably April 4, 2014). He offers many excuses but no good cause for his decision to postpone his work to such a late date

1 even though he was obviously aware that his weekly law library time was limited and even though
2 he had received nearly all discoverable material well before Defendants filed their summary
3 judgment motion.

4 Also calendared for May 23, 2014, were Plaintiff's own motion for summary judgment and
5 Plaintiff's "Motion for Judgment Default OR Other Sanctions for Discovery Misconduct." In
6 briefing those two motions, Plaintiff has addressed most, if not all, of the issues that the Court must
7 consider in reviewing Defendants' motion. As a result, denying Plaintiff's request for additional time
8 to prepare a brief opposing does not leave Defendants' summary judgment motion unopposed.
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10 Plaintiff's motion to enlarge the time in which he may file a brief in response to Defendants'
11 summary judgment motion is DENIED.

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14 IT IS SO ORDERED.

15 Dated: April 23, 2014

16 /s/ Sandra M. Snyder
17 UNITED STATES MAGISTRATE JUDGE
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