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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ANTHONEY LYNCH,

Plaintiff,

vs.

WARDEN OF PLEASANT VALLEY STATE  
PRISON, et al.,

Defendants.

1:09-cv-02097-AWI-GSA-PC

ORDER REQUIRING PLAINTIFF TO  
SUBMIT DECLARATION IN SUPPORT OF  
SEVENTH MOTION FOR EXTENSION OF  
TIME, AS INSTRUCTED BY THIS ORDER  
(Doc. 53.)

THIRTY DAY DEADLINE

**I. BACKGROUND**

Anthony Lynch (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this case on December 2, 2009. (Doc. 1.)

On April 22, 2013, the court entered findings and recommendations, recommending that Plaintiff’s Second Amended Complaint be dismissed, with prejudice, for failure to state a claim. (Doc. 40.) Plaintiff was permitted thirty days in which to file objections to the findings and recommendations. (Id.) Plaintiff has been granted six extensions of time to file objections. (Docs. 42, 44, 46, 48, 50, 52.)

1 Plaintiff's seventh motion for extension of time to file objections is now before the  
2 court. (Doc. 53.)

3 **II. MOTION FOR EXTENSION OF TIME**

4 "When an act may or must be done within a specified time, the court may, for good  
5 cause, extend the time." Fed. R. Civ. P. 6(b)(1). Plaintiff requests thirty more days in which  
6 to file objections to the findings and recommendations of April 22, 2013, on the grounds that he  
7 has had limited access to the law library and difficulties accessing an "essential case" on the  
8 computer. (Doc. 53 at 1:21-24.)

9 **B. Discussion**

10 Plaintiff was initially permitted thirty days in which to file objections to the court's  
11 April 22, 2013 findings and recommendations. (Doc. 40 at 7-8.) Now, nearly a year later,  
12 Plaintiff is requesting a seventh extension of time to file objections, arguing that he requires  
13 additional time for research. Based on Plaintiff's six previous requests for extension of time,  
14 the court find no good cause to grant a seventh extension of time.

15 While Plaintiff's pleadings are afforded a certain amount of leeway as a pro se litigant,  
16 see, e.g., Eldridge v. Block, 832 F.2d 1132, 1137 (9th Cir.1987), "[p]ro se litigants must follow  
17 the same rules of procedure that govern other litigants." King v. Atiyeh, 814 F.2d 565, 567  
18 (9th Cir.1987); see also Briones v. Riviera Hotel & Casino, 116 F.3d 379, 381 (9th Cir.1997)  
19 (per curiam). "It is well established that '[d]istrict courts have inherent power to control their  
20 docket.'" Atchison, Topeka & Santa Fe Ry. v. Hercules, Inc., 146 F.3d 1071, 1074 (9th  
21 Cir.1998) (alteration in original) (quoting Hernandez v. City of El Monte, 138 F.3d 393, 398  
22 (9th Cir.1998)); accord Ready Transportation, Inc. v. AAR Mfg., Inc., 627 F.3d 402, 404 (9th  
23 Cir. 2010). Indeed, the inherent powers permit a district court to go as far as to dismiss entire  
24 actions to rein in abusive conduct. Ready Transportation, Inc. at 404 (citing see Atchison, 146  
25 F.3d at 1074 (recognizing inherent power to dismiss an action to sanction abusive conduct such  
26 as judge-shopping or failure to prosecute).

27 The court finds no due diligence on Plaintiff's part in attempting to file the objections  
28 due in this action. In his fourth motion for extension of time, Plaintiff requested time to

1 research “new areas of law” and claimed he had pending deadlines in other cases which were a  
2 “hindrance (*sic*)” to his ability to file objections in this case. (Doc. 47 at 2:11,16.) In the fifth  
3 motion for extension of time, Plaintiff acknowledged that he spent time preparing a traverse  
4 due on December 5, 2013 in another court case, at the expense of meeting his deadline in this  
5 case. (Doc. 49.) Now Plaintiff claims that he needs another thirty-day extension of time.

6 Plaintiff is advised that there is no need to research new areas of law to file objections  
7 in this action. The court has already provided Plaintiff with the legal standards applicable to  
8 his claims in this action, and Plaintiff should not need to spend hours in the law library or at the  
9 computer conducting research to respond to the court’s findings and recommendations.

10 Plaintiff shall be required to file a declaration within thirty days, explaining how much  
11 time and effort he has spent during the past eleven months working on the objections for this  
12 case, using dates and detailed explanations demonstrating his diligence in attempting to meet  
13 the court’s deadlines.<sup>1</sup> Plaintiff must also inform the court of the progress he has made in  
14 preparing the objections and what specific information is needed to complete them. Plaintiff  
15 must also explain the reasons he requires extended time in the law library or at the computer to  
16 respond to the court’s findings and recommendations. Plaintiff must also inform the court of  
17 all of his other pending court cases and any other court deadlines he is currently preparing to  
18 meet. In short, Plaintiff must show good cause for the court to grant him a seventh extension of  
19 time to file objections in this action.

### 20 **III. CONCLUSION**

21 Accordingly, THE COURT HEREBY ORDERS that:

- 22 1. Within thirty days of the date of service of this order, Plaintiff is required to file  
23 a declaration showing good cause for the court to grant him a seventh extension  
24 of time to file objections in this actions, as instructed by this order; and

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25  
26 <sup>1</sup> The declaration must be dated and signed by Plaintiff, attesting under penalty of perjury to facts known  
27 by the declarant, in substantially the following form: “I declare under penalty of perjury that the foregoing is true  
28 and correct. Executed on (date). (Signature).” Such a declaration, if properly prepared, is admissible in federal  
court with the same effect as an affidavit. 28 U.S.C. § 1746.

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2. Plaintiff's failure to comply with this order shall result in the dismissal of this action.

IT IS SO ORDERED.

Dated: March 17, 2014

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE