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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SAMUEL KENNETH PORTER,

 Plaintiff,

 v.

JENNINGS, et al.,

 Defendants.

Case No. 1:10-cv-01811-AWI-DLB PC

**ORDER GRANTING PLAINTIFF
EXTENSION OF TIME TO FILE
OPPOSITION**

(ECF Nos. 68, 75, 76, 82)

OPPOSITION DUE WITHIN THIRTY DAYS

Plaintiff Samuel Kenneth Porter (“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 First Amended Complaint, filed April 14, 2011, against Defendants Jennings, Lowe, and Darlene Austin for violation of the Eighth Amendment. On June 25, 2012, Defendants Jennings and Lowe filed a motion for summary judgment. ECF No. 66. On July 5, 2012, Plaintiff filed a motion for extension of time to prepare an opposition. ECF No. 68. On August 3, 2012, Plaintiff filed a motion for the Court to provide a court deadline for Plaintiff to prepare his opposition. ECF No. 75. On August 6, 2012, Plaintiff filed a motion pursuant to Rule 56(d) of the Federal Rules of Civil Procedure. ECF No. 76. On September 10, 2012, Plaintiff filed a motion for a continuance. ECF No. 82. The Court will address all of the above motions by this order.

I. July 5, 2012 Motion

Plaintiff requests an extension of time to file an opposition to Defendants’ motion for

1 summary judgment. Plaintiff explains that he celebrated the religious festival of Ramadan which
2 would delay his filing. Plaintiff also requests an extension of time to amend his complaint.

3 Good cause having been presented, the Court will grant Plaintiff an extension of time to file
4 an opposition to Defendants' motion for summary judgment. However, Plaintiff's motion for
5 extension of time to amend his complaint is denied. The deadline to amend the complaint was
6 February 17, 2012. Discovery and Scheduling Order, ECF No. 23. Plaintiff provides no good cause
7 to modify the deadline.

8 **II. August 3, 2012 Motion**

9 Plaintiff requests that the Court provide a deadline to prepare an opposition to Defendants'
10 motion. Plaintiff contends that only prisoners with court deadlines have regular access to the law
11 library. Plaintiff contends that prison riots and other issues at Calipatria State Prison, where Plaintiff
12 is currently housed, have disrupted his access. As explained, the Court will grant Plaintiff an
13 extension of time to file an opposition to Defendants' motion for summary judgment.

14 **III. August 6, 2012 Motion**

15 Plaintiff requests that the Court defer consideration of Defendants' motion for summary
16 judgment until he receives certain documents, namely 1) the Corcoran State Prison Hearings from
17 1998 and the policy and 2) training manuals regarding reporting sexual assault. By separate order,
18 the Court denied service of a subpoena as to the first request. As to the training manuals, CDCR, a
19 non-party, submitted a declaration that they produced these documents. ECF No. 83. Thus, it
20 appears that Plaintiff's motion is moot.

21 **IV. September 10, 2012 Motion**

22 Plaintiff requests an extension of time because the law library at Calipatria State Prison will
23 be closed for two weeks because of a staff vacation and staff shortage. Plaintiff does not specify for
24 what purpose he needs the extension of time. To the extent that Plaintiff requests an extension of
25 time to file his opposition to Defendants' motion for summary judgment, the motion will be granted.

26 The Court notes that Plaintiff submitted his objections to Defendants' statement of
27 undisputed facts on September 7, 2012. However, Plaintiff did not submit any other document. The
28 Court does not typically accept documents submitted over time. Plaintiff is to submit a whole

1 opposition. The Court also notes that Plaintiff received notice of the requirements to oppose a
2 motion for summary judgment from Defendants on July 18, 2012. ECF No. 71.

3 **V. Conclusion and Order**

4 Based on the foregoing, it is HEREBY ORDERED that Plaintiff's motions for extension of
5 time to file an opposition to Defendants' motion for summary judgment, filed July 5, 2012, August
6 3, 2012, August 6, 2012, and September 10, 2012, are granted as stated herein. Plaintiff is granted
7 **thirty (30) days** from the date of service of this order in which to file a complete opposition to
8 Defendants' motion for summary judgment. Failure to timely file an opposition will result in waiver
9 of the opportunity to file an opposition. Defendants will be granted **fifteen (15) days** from the date
10 of service of Plaintiff's opposition in which to file a reply, if any.

11 IT IS SO ORDERED.
12

13 Dated: September 28, 2012

/s/ Dennis L. Beck
14 UNITED STATES MAGISTRATE JUDGE