

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BRYAN E. RANSOM,

Plaintiff,

vs.

RODOLFO AGUIRRE, et al.,

Defendants.

) 1:12cv01343 AWI DLB PC
)
) ORDER GRANTING PLAINTIFF’S
) REQUEST FOR EXTENTION OF TIME
) (Documents 85 and 86)
)
) ORDER REQUIRING DEFENDANTS
) VOGEL AND PEREZ TO PROVIDE
) RESPONSES
)
) ORDER EXTENDING DATE FOR MOTION
) FOR SUMMARY JUDGMENT

Plaintiff Bryan E. Ransom (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983.

The parties have been granted leave to perform discovery limited to exhaustion. The discovery deadline was September 29, 2014. Defendants must file their motion for summary judgment related to exhaustion by November 30, 2014.

On October 6, 2014, Plaintiff submitted a request for additional time to serve discovery.¹ He explained that due to limited access to his legal property, he was not able to serve Defendant

¹ The motion was signed on September 28, 2014.

1 Kernan with follow-up discovery until September 11, 2014. On September 22, 2014, Defendant
2 Kernan wrote Plaintiff a letter indicating that he would not respond to the discovery because it
3 was not served thirty days before the September 29, 2014, deadline.

4 On October 9, 2014, the Court granted Plaintiff's request to extend time only as to the
5 discovery that had been served on Defendant Kernan. The Court also ordered Defendant Kernan
6 to respond and extended the date for Defendants' motion for summary judgment based on
7 exhaustion to November 30, 2014.

8 On October 22, 2014, the Court received another request for an extension of time from
9 Plaintiff. This request concerns discovery that was served on Defendants Vogel and Perez on
10 September 25, 2014, prior to Plaintiff's receipt of this Court's October 9, 2014, order. Plaintiff
11 states that his limited access to his legal property caused a delay in preparing and submitting
12 discovery requests to Defendants Vogel and Perez. He was informed by Defendants' counsel in
13 a letter dated October 8, 2014, that Defendants would not respond to the discovery because it
14 was not served thirty-days prior to the September 30, 2014, deadline. This letter, too, was sent
15 prior to the Court's October 9, 2014, order.

16 Taking into consideration Plaintiff's incarceration in the SHU and his limited access to
17 his legal property, the Court will permit an extension for the discovery served on Defendants
18 Perez and Vogel on September 25, 2014.² However, because limited discovery has been open
19 since May 29, 2014, and Plaintiff has received numerous extensions, no further discovery will be
20 permitted, regardless of when the discovery was served.

21
22
23 Defendants Perez and Vogel are ORDERED to respond to the discovery within thirty
24 days of the date of service of this order.

25 ///

26 ///

27 _____
28 ² Plaintiff served one interrogatory on Defendant Vogel and fourteen requests for production of documents on Defendant Perez.

