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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DARREL HARRIS,
Plaintiff,
v.
S. ESCAMILLA, et al.,
Defendants.

1:13-cv-01354-DAD-MJS (PC)

**ORDER DENYING PLAINTIFF'S MOTION
FOR EXTENSION TO TIME TO FILE
OPPOSITION TO DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT**

(ECF No. 103)

**PLAINTIFF'S OPPOSITION DUE BY JULY
20, 2016**

I. INTRODUCTION

Plaintiff is a prisoner proceeding pro se and in forma pauperis in a civil rights action brought pursuant to 42 U.S.C. § 1983. Pending before the Court is Plaintiff's July 1, 2016 motion for a thirty (30) day extension of time to file an opposition to Defendant's motion for summary judgment. (ECF No. 103.)

II. PROCEDURAL HISTORY

On February 8, 2016, Defendant filed a motion for summary judgment. (ECF No. 69.) On February 22, 2016, Plaintiff filed a motion for a sixty (60) day extension of time to file an opposition. (ECF No. 72.) Plaintiff's motion was granted on February 25, 2016. (ECF No. 73.) On April 21, 2016, Plaintiff filed a second motion requesting a forty-five (45) day extension to time to file an opposition to Defendant's summary judgment

1 motion. (ECF No. 90.) Plaintiff's motion was granted on April 27, 2016. On June 20,
2 2016, Plaintiff requested a third extension of time, for sixty (60) days, to file his
3 opposition to Defendant's summary judgment motion, citing lack of access to the law
4 library, the inefficient prison mail system, and his laymen's understanding of the law.
5 (ECF No. 98.) On June 29, 2016, the Court denied Plaintiff's motion, noting Plaintiff had
6 filed numerous motions in the preceding months despite these supposed obstacles.
7 (ECF No. 102.) The Court ordered Plaintiff to submit his opposition within twenty-one
8 (21) days of the Court's order, thus imposing a deadline of July 20, 2016 for Plaintiff's
9 opposition. Before the Court is Plaintiff's fourth motion, filed July 1, 2016, for an
10 extension of time to file his opposition. (ECF No. 103.) He requests thirty (30) additional
11 days, or until July 31, 2016, on the grounds he is still awaiting outstanding discovery.
12 Plaintiff also renews his claim that he has had insufficient access to the law library.

13 **III. DISCUSSION**

14 Plaintiff lists several reasons for requesting an extension. He is awaiting
15 statements from inmate witnesses incarcerated at other institutions, he has an
16 outstanding motion to compel that has yet to be ruled on, and his access to the law
17 library has been too limited for him to draft his opposition. (ECF No. 103.)

18 The Court previously advised Plaintiff that the statements of his inmate witnesses
19 would not affect his opposition to Defendant's summary judgment motion. Defendant's
20 motion turns on whether Defendant violated a clearly established constitutional right and
21 whether Defendant substantially impaired Plaintiff's ability to practice his religion. The
22 purported inmate witnesses offer only character evidence against Defendant. (ECF No.
23 69.)

24 Furthermore, Plaintiff's outstanding motion to compel concerns a single
25 interrogatory pertaining to Defendant's disciplinary record; this discovery also appears
26 unlikely to influence Plaintiff's opposition.

27 Finally, the Court reiterates that in the nearly five months Plaintiff has had to file
28 his opposition, he has managed to file: a motion to stay the proceedings for the purpose

1 of reopening discovery (ECF No. 78); objections to two different sets of the magistrate
2 judge's findings and recommendations (ECF Nos. 80 & 92); and, a motion to compel
3 discovery (ECF No. 95). Such activity is inconsistent with the claimed lack of sufficient
4 library access to file an opposition to Defendant's summary judgment motion.

5 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's fourth request
6 for an extension of time to file his opposition (ECF No. 103) is DENIED. Pursuant to the
7 Court's June 29, 2016 order, docketed as ECF No. 102, Plaintiff's opposition is due on
8 or before July 20, 2016.

9 IT IS SO ORDERED.

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11 Dated: July 6, 2016

/s/ Michael J. Seng
12 UNITED STATES MAGISTRATE JUDGE
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