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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

**LAKEITH L. McCOY,**  
  
Plaintiff,  
  
**v.**  
  
**M. GARIKAPARTHI, et al.,**  
  
Defendants.

Case No. 1:13-cv-01495 BAM (PC)  
**ORDER OVERRULING PLAINTIFF’S  
OPPOSITION TO DEFENDANTS’  
REQUEST FOR EXTENSION OF TIME TO  
FILE RESPONSIVE PLEADING**  
  
(ECF No. 37)

Plaintiff LaKeith L. McCoy (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action currently proceeds on Plaintiff’s first amended complaint against Defendants Garikaparathi, Steiber, Keeler and Chavez for violation of Plaintiff’s Eighth Amendment rights arising from the alleged deprivation of adequate food.

On January 20, 2016, this Court granted Defendants’ request for an extension of time to file a responsive pleading, until February 18, 2016. (ECF No. 36.) The Court found that Defendants showed good cause for the requested extension based, in part, on Defense Counsel’s busy schedule, and specifically found that Plaintiff would not be prejudiced by a short, reasonable extension.

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1 Currently before the Court is Plaintiff's opposition to Defendants' request for an extension  
2 of time, filed January 27, 2016, and dated January 22, 2016. (ECF No. 37.) This filing and the  
3 Court's January 20, 2016 order likely passed in the mail. Plaintiff opposes Defendants' request  
4 for an extension of time, arguing that instead Defendants should be forced to find some substitute  
5 counsel to defend them in this matter. Plaintiff also asserts that Defense Counsel is not acting in  
6 good faith because some other California Deputy Attorney General in an unrelated case he is  
7 litigating also requested an extension of time to file a responsive pleading based on similar  
8 circumstances as Defense Counsel in this action. Finally, Plaintiff states that he is prejudiced by  
9 any delay in this action because he has not yet been granted the ultimate relief he seeks here.

10 Nothing in Plaintiff's opposition causes the Court to reconsider its prior ruling. Plaintiff has  
11 not shown that Defense Counsel here has acted in bad faith, nor has he shown any prejudice to  
12 him, as this case is moving forward within a reasonable period of time.

13 Accordingly, it is HEREBY ORDERED that the Court OVERRULES Plaintiff's objections  
14 and the January 20, 2016 order stands.

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16 IT IS SO ORDERED.

17 Dated: February 3, 2016

18 /s/ Barbara A. McAuliffe  
19 UNITED STATES MAGISTRATE JUDGE  
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