UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

JEREMY JONES,) Case No. 1:14-cv-02045-DAD-SAB (PC)
Plaintiff, v. JIMENEZ, et al.,	ORDER DENYING PLAINTIFF'S MOTION FOR FURTHER DISCOVERY AND GRANTING REQUEST FOR EXTENSION OF TIME TO FILE AN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
Defendants.) [ECF No. 110]))

Plaintiff Jeremy Jones is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff's motion for further discovery and an extension of time to oppose Defendants' motion for summary judgment, filed September 21, 2018. (ECF No. 110.)

Rule 56(d) provides that "[i]f a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may: (1) defer considering the motion or deny it; (2) allow time to obtain affidavits or declarations or to take discovery; or (3) issue any other appropriate order." Fed. R. Civ. P. 56(d). In seeking relief under Rule 56(d), Plaintiff bears the burden of specifically identifying relevant information, where there is some basis for believing that the information actually exists, and demonstrating that the evidence sought actually exists and that it would prevent summary judgment. Blough v. Holland Realty, Inc., 574 F.3d 1084,

1091 n.5 (9th Cir. 2009) (quotation marks and citation omitted); Getz v. Boeing Co., 654 F.3d 852, 867-868 (9th Cir. 2011); Tatum v. City and County of San Francisco, 441 F.3d 1090, 1100-1101 (9th Cir. 2006). Plaintiff has made no such showing and his bare desire to complete discovery before responding to Defendants' motion does not entitle him to relief under Rule 56(d). Naoko Ohno v. Yuko Yasuma, 723 F.3d 984, 1013 n.29 (9th Cir. 2013) (evidence to be sought through discovery must be based on more than mere speculation). Moreover, Plaintiff failed to diligently pursue discovery in this action. As stated in the Court's April 30, 2018 order, discovery in this case was open from June 8, 2017 to February 8, 2018, and Plaintiff did not file his first discovery request until January 31, 2018. (ECF No. 99 at 4.) Plaintiff has had ample time to request discovery and timely file any motions to compel. Accordingly, Plaintiff Rule 56(d) motion shall be denied. However, on the basis of good cause, the Court will grant Plaintiff an extension of time to file an opposition to Defendants' pending motion for summary judgment.

Accordingly, it is HEREBY ORDERED that:

- 1. Plaintiff's Rule 56(d) motion is denied; and
- 2. Plaintiff is granted thirty (30) days from the date of service of this order to file an opposition to Defendants' motion for summary judgment.

IT IS SO ORDERED.

Dated: September 24, 2018

UNITED STATES MAGISTRATE JUDGE

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