UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

BRUCE ERVIN TURNER,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF THE TREASURY Financial Crimes Enforcement Network,

Defendant.

No. 1:15-cv-00007-DAD-SKO

ORDER GRANTING DEFENDANT'S EX PARTE APPLICATION REQUESTING MODIFICATION OF THE BRIEFING SCHEDULE

(Doc. No. 31)

On July 10, 2017, defendant filed an ex parte application requesting modification of the briefing schedule set forth by the court on April 21, 2017. (Doc. No. 31.) According to the court's minute order, defendant's motion for summary judgment was to be filed by July 13, 2017, with plaintiff's opposition due August 4, 2017, and any reply thereto due by August 11, 2017. (Doc. No. 30.) Defendant maintains that "[d]ue to the unavailability of a FinCEN official who is required to review and sign a declaration in support of defendant'[s] motion," modification of the briefing schedule is warranted. (Doc. No. 31 at 2, ¶ 4.) Defendant also maintains that because plaintiff is incarcerated, it is not reasonably practicable to modify the scheduling order by stipulation, and that the application is not submitted for an improper purpose. (*Id.* at ¶¶ 5–6.) The court notes that this is not defendant's first ex parte motion seeking an extension of time. On

July 27, 2015, the court granted defendant's ex parte application for extension of time to respond to plaintiff's complaint. (Doc. No. 13.) While the court may in its discretion grant such applications, "[e]xcept for one such initial extension, ex parte applications for extension of time are not ordinarily granted." L.R. 144(c).

Nonetheless, for the reasons represented by defendant's counsel and because the requested extension does not affect any trial or hearing dates, the court will grant defendant's ex parte application requesting modification of the briefing schedule. Accordingly, the court vacates the previously set briefing schedule (Doc. No. 30), and resets these dates as requested by defendant in its application as follows:

1. Defendant's motion for summary judgment must be filed by July 27, 2017;
2. Plaintiff's opposition to defendant's motion for summary judgment is due August 18, 2017; and
3. Defendant's reply to plaintiff's opposition, if any, is due August 25, 2017.

IT IS SO ORDERED.

Dated: **July 10, 2017**

Dale A. Drozd
UNITED STATES DISTRICT JUDGE