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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

LARRY DONNELL KING, SR.,)	Case No.: 1:15-cv-00414-LJO-SAB (PC)
)	
Plaintiff,)	
)	ORDER OVERRULING PLAINTIFF’S
v.)	OBJECTIONS TO DEFENDANTS’ MOTION TO
)	EXTEND THE DEADLINE TO FILE AN
M.D. BITER, et al.,)	EXHAUSTION-RELATED MOTION FOR
)	SUMMARY JUDGMENT
Defendants.)	
)	[ECF No. 62]
)	

Plaintiff Larry Donnell King, Sr. is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On November 29, 2017, Plaintiff filed an opposition to Defendants’ motion to modify the scheduling order. (ECF No. 62.)

On November 9, 2017, defense counsel filed a motion to extend the deadline to file an exhaustion-related motion for summary judgment. (ECF No. 58.) On November 22, 2017, the Court granted Defendants’ motion based on the finding of good cause. (ECF No. 61.) The Court construes Plaintiff’s opposition as an objection to the Court’s November 22, 2017 order.

In Defendants’ November 9, 2017 motion, defense counsel, Arthur B. Mark, III, declared that during Plaintiff’s deposition he indicated that he did not have the original inmate appeal documents requested by Defendants because they were sent to the United States Marshal. (Mark Decl. ¶ 3, ECF No. 58-2.) Defense counsel further declared that he requested staff within his office to contact the

1 United States Marshal to determine if they received the original inmate appeals documents from
2 Plaintiff. (Id. ¶ 4.) On October 31, 2017, Ms. T. Worthy, a Senior Legal Analyst in the Office of the
3 California Attorney General obtained a copy of the original inmate appeal documents submitted by
4 Plaintiff. (Id.) Defendants then served additional discovery on Plaintiff regarding the inmate appeals
5 obtained from the United States Marshal. (Id. ¶ 5.) The discovery responses are due December 26,
6 2017. (Id.) Defense counsel further declared other pressing matters necessitated an extension of the
7 deadline. (Id. ¶ 6.)

8 In his objections, Plaintiff argues that Defendants failed to submit a declaration of Ms. T.
9 Worthy or the United States Marshal who provided the documentation to Ms. Worthy. However,
10 defense counsel's declaration was sufficient to support a finding of good cause to warrant an extension
11 of the deadline to file an exhaustion-related motion for summary judgment, and Plaintiff's objections
12 thereto are overruled. See Fed. R. Civ. P. 11(b). Furthermore, Plaintiff is not be prejudiced by the
13 extension of time given that no other deadlines were impacted. Accordingly, Plaintiff's objections to
14 the Court's November 22, 2017 order are overruled.

15
16 IT IS SO ORDERED.

17 Dated: November 30, 2017


UNITED STATES MAGISTRATE JUDGE