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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JARED M. VILLERY,
Plaintiff,
v.
CALIFORNIA DEP'T OF
CORRECTIONS, *et al.*,
Defendants.

Case No. 1:15-cv-00987-DAD-BAM (PC)
**ORDER GRANTING DEFENDANTS’
REQUEST FOR EXTENSION OF TIME TO
RESPOND TO PLAINTIFF’S EMERGENCY
MOTION TO MODIFY PRELIMINARY
INJUNCTION**
(ECF No. 129)
Defendants’ Response Due: June 19, 2019

Plaintiff Jared M. Villery (“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 claim against Defendants Kendall, Acosta, Naficy, Jones, Guerrero, Aithal, Seymour, Carrizales, Woodard, Pallares, Hernandez, Fisher, Grimmig, and Miranda for deliberate indifference in violation of the Eighth Amendment, and against Defendants Beard and Diaz for promulgation of a policy to deny single cell housing for inmates with serious mental disorders, in violation of the Eighth Amendment. The case arises out of Plaintiff’s allegations concerning allegedly improper housing decisions for Plaintiff, who suffers from Post-Traumatic Stress Disorder (“PTSD”).

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1 On February 2, 2018, Plaintiff filed a motion for a preliminary injunction, seeking an
2 order directing the Secretary of CDCR to house him in a single-occupancy cell. (ECF No. 62.)
3 On November 30, 2018, the undersigned issued findings and recommendations, recommending
4 that Plaintiff's motion be granted in part. (ECF No. 111.) Those findings and recommendations
5 were adopted in part, and the District Judge ordered that the McCall Report be placed in
6 Plaintiff's health record and that Defendant Diaz ensure that an immediate review be undertaken
7 to determine whether Plaintiff's condition requires that he be designated for single-cell status in
8 light of the McCall Report. (ECF No. 123.) Defendants filed a notice of compliance with the
9 Court's order on April 19, 2019. (ECF No. 126.)

10 On May 14, 2019, Plaintiff filed a motion to modify the preliminary injunction. (ECF No.
11 128.) Defendants' response is currently due on or before June 5, 2019.¹ Currently before the
12 Court is Defendants' request for an extension of time to respond to Plaintiff's motion, together
13 with a declaration of counsel, filed May 16, 2019. (ECF No. 129.) Although Plaintiff has not had
14 an opportunity to respond to Defendants' request, the Court finds a response unnecessary, and the
15 motion is deemed submitted. Local Rule 230(l).

16 The declaration in support of Defendants' application explains that defense counsel will
17 be unavailable from May 20 through May 30, 2019 and attending a mandatory statewide section
18 meeting on June 4 and June 5, 2019, leaving only a few days to review the 127-page motion and
19 compile a response. (ECF No. 129.) As noted in the declaration, defense counsel previously
20 alerted both Plaintiff and the Court of her upcoming unavailability during the month of May.
21 (ECF No. 121.) Defendants therefore request a fourteen-day extension of the current deadline to
22 allow counsel time to properly address Plaintiff's motion.

23 Having considered the request, the Court finds good cause to modify the briefing schedule
24 in this matter. Fed. R. Civ. P. 6(b). The Court further finds that Plaintiff will not be prejudiced
25 by the brief extension granted here.

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¹ Although the docket entry is dated May 14, 2019, the motion was not entered on the docket and electronically served on Defendants until May 15, 2019. Therefore, Defendants' response is not due until twenty-one days after May 15, 2019. See Local Rule 230(l).

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Accordingly, Defendants' request for an extension of time, (ECF No. 129), is GRANTED. Defendants' response to Plaintiff's emergency motion to modify the preliminary injunction is due on or before **June 19, 2019**.

IT IS SO ORDERED.

Dated: May 16, 2019

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE