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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 BRIAN CAPUTO,

11 Plaintiff,

12 v.

13 GONZALES, et al.,

14 Defendants.
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Case No. 1:15-cv-01008-LJO-EPG (PC)

ORDER RE: MOTION BY DEFENDANT
MICHELLE BLACK FOR LEAVE TO FILE
A MOTION FOR SUMMARY JUDGMENT

(ECF NO. 173)

16 Brian Caputo (“Plaintiff”) is a prisoner¹ proceeding *pro se* and *in forma pauperis* in this
17 this civil rights action filed pursuant to 42 U.S.C. § 1983.

18 On May 23, 2019, defendant Black filed a motion for leave to file a motion for
19 summary judgment. (ECF No. 173). Defendant Black argues that good cause exists to allow
20 defendant Black to file a motion for summary judgment, even though the dispositive motion
21 deadline has passed. Plaintiff’s “deposition was repeatedly frustrated primarily due to his
22 transfer to another Federal Prison as a result of a hurricane and the government shut-down.
23 With the relocation of numerous new prisoners and the government shut-down, the new prison
24 was experiencing staffing issues, was required to bring numerous temporary prison staff in and
25 out of the facility on bi-weekly or monthly movements and, as admitted by the prison staff, was
26 very understaffed. These issues interfered with Defendants ability to properly notice and take

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28 ¹ Plaintiff was detained at Kern County Jail at the time of the incidents alleged in the complaint. He is
now incarcerated at USP Yazoo City.

1 Plaintiff's deposition." (Id. at 1-2). After finally deposing Plaintiff and reviewing the
2 transcript, defendant Black believes she has a reasonable basis for summary judgment being
3 granted as to the claim against her.

4 The Court finds good cause to modify the schedule to a limited extent. Accordingly, IT
5 IS ORDERED that:

- 6 1. Defendant Black has two weeks from the date of service of this order to file a
7 motion for summary judgment;
- 8 2. Plaintiff has three weeks from the date of service of the motion for summary
9 judgment to file his opposition; and
- 10 3. Defendant Black has seven days from the date of service of Plaintiff's
11 opposition to file her reply.
- 12 4. The remainder of the schedule remains as previously set, including the trial date.

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14 IT IS SO ORDERED.

15 Dated: May 29, 2019

16 /s/ Eric P. Grogan
17 UNITED STATES MAGISTRATE JUDGE
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