

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 JEFF ELIAS,

12 Plaintiff,

13 vs.

14 VAZRICK NAVASARTIAN, et al.,

15 Defendants.
16
17
18

1:15-cv-01567-LJO-GSA-PC

**ORDER GRANTING DEFENDANT
NAVASARTIAN'S MOTION FOR
EXTENSION OF TIME NUNC PRO
TUNC
(ECF No. 25.)**

**ORDER DEEMING MOTION FOR
SUMMARY JUDGMENT TIMELY
FILED
(ECF No. 26.)**

19 **I. BACKGROUND**

20 Jeff Elias ("Plaintiff") is a prisoner proceeding pro se in a civil rights action pursuant to
21 42 U.S.C. § 1983. This case now proceeds with Plaintiff's initial Complaint filed on October
22 14, 2015, against defendants Vazrick Navasartian and J. Dubiel, D.D.S., on Plaintiff's Eighth
23 Amendment deliberate indifference claim and a state law medical negligence claim. (ECF No.
24 1.) The deadline for the parties to file dispositive motions in this case is December 2, 2016.
25 (Discovery and Scheduling Order, ECF No. 14.)

26 On December 1, 2016, defendant Navasartian ("Defendant") filed a motion to extend
27 the deadline for filing dispositive motions. (ECF No. 25.) The Court construes Defendant's
28 motion as a motion for extension of time.

1 **II. DEFENDANT NAVASARTIAN’S MOTION**

2 Defendant requests an extension of time until December 23, 2016, in which to file a
3 motion for summary judgment. Defense counsel argues that due to her deadlines and tasks on
4 other cases, as well as the unavailability of Defendant and defense counsel due to family
5 medical care and the Thanksgiving holiday, Defendant will be unable to complete his
6 dispositive motion by the current December 2, 2016 deadline. (Whitney Decl., ECF No. 25 at
7 6 ¶¶3-6.)

8 The Court finds good cause to grant Defendant an extension of time. On December 13,
9 2016, Defendant filed his motion for summary judgment. (ECF No. 26.) In light of the fact
10 that the motion for summary judgment has been filed, Defendant’s motion for extension of time
11 shall be granted nunc pro tunc, and the motion for summary judgment shall be deemed timely
12 filed.

13 **III. CONCLUSION**

14 Based on the foregoing, IT IS HEREBY ORDERED that:

15 1. Defendant Navasartian’s motion for extension of time, filed on December 1,
16 2016, is GRANTED nunc pro tunc; and

17 2. The motion for summary judgment filed by Defendant Navasartian on
18 December 13, 2016, is deemed timely filed.

19
20 IT IS SO ORDERED.

21 Dated: December 29, 2016

/s/ Gary S. Austin
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28