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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RODERICK WILLIAM LEAR,
Plaintiff,
v.
MARTIN BITER, et al.,
Defendants.

Case No. 1:15-cv-01903-DAD-MJS (PC)
ORDER DENYING MOTION
(ECF NO. 49)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The action proceeds against Defendants Akanno and Palomino on Plaintiff's Eighth Amendment claims for inadequate medical care.

Before the Court is Plaintiff's December 28, 2017 "Motion to Request Court Allow Plaintiff Time to Respond to All Defendants Motions." (ECF No. 49.) The motion arises out of the Court having granting Defendants' motion for a relatively brief extension of time in which to file a motion for summary judgment on exhaustion grounds. (ECF No. 45.) Given a clear showing of good cause, the Court granted the motion without awaiting Plaintiff's opposition.

1 Plaintiff appears to construe the Court's order as favoring Defendants, cutting off
2 Plaintiff's opportunity to respond to the motion for summary judgment, and punishing
3 Plaintiff for proceeding pro se.

4 The Court regularly grants ex parte requests to both sides to extend time,
5 particularly where, as here, the extension is brief and there is no apparent prejudice to
6 the opposing party. Local Rule 144(d). Plaintiff presents no cause why the motion should
7 not have been granted. He will have an opportunity to respond to the motion on the
8 merits. The Court does not, and will not, issue substantive rulings without affording
9 Plaintiff an opportunity to respond.

10 Plaintiff's motion "Motion to Request Court Allow Plaintiff Time to Respond to All
11 Defendants Motions" is HEREBY DENIED. To the extent Plaintiff requires additional
12 time to respond to specific motions or orders he may file a motion for extension of time.

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14 IT IS SO ORDERED.

15 Dated: March 30, 2018

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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