

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

11 MICHAEL NEIL JACOBSEN,

12 Plaintiff,

13 v.

14 OFFICER CURRAN, *et al.*,

15 Defendants.
16
17

Case No. 1:16-cv-01050-LJO-JDP

ORDER DENYING PLAINTIFF'S MOTION
FOR AN EXTENSION OF TIME

ORDER DENYING PLAINTIFF'S MOTION
FOR COURT ORDER TO PRODUCE
TRANSCRIPTS

(Doc. Nos. 86, 87)

18 Plaintiff Michael Neil Jacobsen is proceeding pro se in this civil rights action under
19 42 U.S.C. § 1983. (Doc. No. 68, at 4.) The court recently entered an order extending the
20 discovery deadline to October 1, 2018, and the dispositive motions deadline to December 3, 2018.
21 (Doc. No. 85.) A few days later, plaintiff filed a motion to extend the deadlines further—to
22 January 2019 or later.¹ (Doc. No. 86.) Plaintiff states that he is “burdened by constantly coming
23 in and out of jail for short periods of time.” He alleges that mail related to this case has been lost
24 or stolen and that the documents that he has received in discovery have been “rained on and
25 destroyed beyond being readable.” He is currently incarcerated due to a probation violation, and
26 his sentence will conclude in December 2018.

27 The court denies plaintiff's motion for an extension of time. (Doc. No. 86.) The court

28 ¹ Plaintiff does not state whether he has received the court's June 7, 2018 order (Doc. No. 85).

1 recently extended deadlines in this case, and plaintiff has not demonstrated good cause to extend
2 the discovery and dispositive motions deadlines further. (*See* Doc. No. 85.)

3 The amended pleadings deadline expired on February 8, 2018. (Doc. No. 26.) Plaintiff
4 did not request an extension of time until after this deadline passed. Therefore, the more
5 demanding “excusable neglect” standard in Rule 6(b)(1)(B) of the Federal Rules of Civil
6 Procedure applies to this request. To determine whether a party’s failure to meet a deadline
7 constitutes excusable neglect, the court examines: “(1) the danger of prejudice to the opposing
8 party; (2) the length of the delay and its potential impact on the proceedings; (3) the reason for the
9 delay; and (4) whether the movant acted in good faith.” *Ahanchian v. Xenon Pictures, Inc.*, 624
10 F.3d 1253, 1261 (9th Cir. 2010). Plaintiff’s motion does not address this standard. If plaintiff
11 later renews his request to extend the amended pleadings deadline, he should address this
12 standard.

13 Plaintiff has filed a second motion asking this court to direct the California Superior Court
14 in Fresno to produce transcripts for 2016 state court proceedings related to this case. (Doc. No.
15 87.) Plaintiff states that he cannot afford the fee to purchase the transcripts and that he has been
16 informed by the state court that a court order is required to obtain the transcripts. This court will
17 not issue an order directing the state court to provide transcripts of state court proceedings. *See In*
18 *re McClatchy Newspapers, Inc.*, 288 F.3d 369, 370 (9th Cir. 2002) (“Every court has supervisory
19 power over its own records and files . . .”) (quoting *Nixon v. Warner Communications, Inc.*, 435
20 U.S. 589, 598 (1978)). Plaintiff should pursue the available California Superior Court procedures
21 for obtaining state court records. Although plaintiff is proceeding *in forma pauperis*, the court is
22 without authority to assist with the cost of obtaining the records. *See* 28 U.S.C. § 1915
23 (authorizing assistance for filing fees and service of process to litigants authorized to proceed *in*
24 *forma pauperis*). Plaintiff’s motion is denied.

25 Accordingly,

- 26 1. plaintiff’s motion for an extension of time (Doc. No. 86) is denied without prejudice;
- 27 and
- 28 2. plaintiff’s motion for a court order to obtain transcripts (Doc. No. 87) is denied.

1 IT IS SO ORDERED.
2

3 Dated: June 19, 2018
4

/s/ Jeremy D. Peterson
UNITED STATES MAGISTRATE JUDGE