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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ROGER WALKER,  
  
Plaintiff,  
  
v.  
  
TIM POOLE, et al.,  
  
Defendants.

Case No. 1:16-cv-01665-AWI-EPG (PC)  
ORDER RE: PLAINTIFF’S MOTION FOR  
EXTENSION OF TIME TO FILE  
OPPOSITION TO MOTIONS FOR  
SUMMARY JUDGMENT  
  
(ECF NO. 114)

Roger Walker (“Plaintiff”) is a civil detainee proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On January 14, 2020, Plaintiff filed a motion for an extension of time to respond to Defendants’ motions for summary judgment. (ECF No. 114). However, in the motion, Plaintiff appears to ask for time to obtain additional discovery that he needs to respond to the motion for summary judgment.

It is unclear what Plaintiff is requesting. To the extent Plaintiff is requesting an extension of time to respond to the motions for summary judgment, the Court finds good cause to grant an extension. However, to the extent Plaintiff is asking for additional discovery under 56(d),<sup>1</sup>

<sup>1</sup> Federal Rule of Civil Procedure 56(d) states: “If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may: (1) defer considering the motion or deny it; (2) allow time to obtain affidavits or declarations or to take discovery; or (3) issue any other appropriate order.”

1 Plaintiff has failed to make the required showing (Plaintiff did not file a declaration, and his  
2 motion simply states that he “needs time for discovery in order to respond”).

3 Accordingly, IT IS ORDERED that:

- 4 1. Plaintiff has thirty days from the date of service of this order to respond to  
5 Defendants’ motions for summary judgment.
- 6 2. If Plaintiff believes he needs to take additional discovery in order to appropriately  
7 respond to the motions, Plaintiff has fourteen days from the date of service of this  
8 order to file a motion and declaration in accordance with Rule 56(d). In the motion  
9 Plaintiff should explain what discovery he needs, why it is essential to opposing the  
10 motions for summary judgment, and why he was unable to obtain the discovery  
11 earlier. If Plaintiff files such a motion, Defendants have fourteen days from the date  
12 the motion is docketed to file a response.

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14 IT IS SO ORDERED.

15 Dated: January 16, 2020

/s/ Eric P. Gray  
16 UNITED STATES MAGISTRATE JUDGE

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