1			
2			
3			
4			
5			
6			
7			
8	UNITED STATES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA		
10			
11	MARY LEE GAINES,	Case No. 1:16-cv-01666-NONE-BAM (PC)	
12	Plaintiff,	ORDER GRANTING PLAINTIFF'S MOTION	
13	V.	FOR THIRD EXTENSION OF TIME TO FILE OPPOSITION TO MOTION FOR SUMMARY JUDGMENT	
14	BROWN, et al.,	(ECF No. 98)	
15	Defendants.	Opposition Deadline: April 25, 2021	
16			
17	Plaintiff Mary Lee Gaines ("Plaintiff") is a state prisoner proceeding pro se and in forma		
18	pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on		
19	Plaintiff's first amended complaint against Defendants Mirelez and Hoehing for deliberate		
20	indifference to medical needs in violation of the Eighth Amendment.		
21	On December 16, 2020, Defendants filed a motion for summary judgment. (ECF No. 92.)		
22	Following two extensions of time, Plaintiff's opposition is currently due on or before March 30,		
23	2021. (ECF No. 97.)		
24	Currently before the Court is Plaintiff's motion for a third thirty-day extension of time to		
25	file her opposition, filed March 26, 2021. (ECF No. 98.) In nearly identical language to that used		
26	in her motion for a second extension of time, Plaintiff states that she continues to experience		
27	limited and no access to the prison library due to the pandemic, where the prison is constantly on		
28	lockdown since February 2019. Plaintiff requests a thirty-day extension of time, to April 25,		
		1	

2021, to file her anticipated opposition brief. (<u>Id.</u>) Defendants have not yet had an opportunity to
 file a response, but the Court finds a response is unnecessary. The motion is deemed submitted.
 Local Rule 230(1).

Having considered the moving papers, the Court finds good cause to grant the requested
extension. Fed. R. Civ. P. 6(b). The Court further finds that Defendants will not be prejudiced by
the brief extension granted here.

7 However, the Court notes that the original deadline for Plaintiff to file her opposition was 8 January 11, 2021, nearly three months ago, when ordinarily a party is allowed only twenty-one 9 days to file an opposition. Despite the extenuating circumstances of the COVID-19 pandemic-10 which, despite what Plaintiff has stated in her prior two motions, did not begin affecting prison 11 programming until approximately February **<u>2020</u>**—the Court will not continue to grant Plaintiff 12 unlimited extensions of time in this matter. Plaintiff's motions for extension of time are cursory 13 and brief, and in light of Plaintiff's history of repeatedly requesting extensions of time, are no 14 longer sufficient to present good cause for further extensions.

Therefore, <u>Plaintiff is warned that any future requests for extension of this deadline</u> will be subject to a narrow interpretation of what constitutes good cause. In any future such request, Plaintiff must describe what attempts she has made to access the law library at her institution, the result of those attempts, how many times she has successfully accessed the law library, and what specific further research or other acts must be accomplished using law library services before her opposition can be completed and submitted to the Court. Defendants will be given an opportunity to oppose any further requests for extension of time.

given an opportunity to oppose any further requests for extension of time.
Accordingly, IT IS HEREBY ORDERED as follows:

Plaintiff's motion for third extension of time, (ECF No. 98), is GRANTED;
Plaintiff's opposition to Defendants' motion for summary judgment is due on or before
April 25, 2021;
Defendants' reply, if any, is due no more than seven (7) days following the docketing of
Plaintiff's opposition; and

2

1	4. If Plaintiff fails to file an opposition in compliance with this order or fails to file a	
2	motion for extension of time that meets the good cause standard described above,	
3	this case will be subject to dismissal due to Plaintiff's failure to oppose the motion for	
4	summary judgment and failure to prosecute.	
5		
6	IT IS SO ORDERED.	
7	Dated: March 29, 2021	/s/ Barbara A. McAuliffe
8		UNITED STATES MAGISTRATE JUDGE
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		3
	11	