

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TIANTE DION SCOTT,

Plaintiff,

vs.

BEREGOVSKAYA, et al.,

Defendants.

1:17-cv-01146-NONE-GSA-PC

**ORDER GRANTING PLAINTIFF'S
REQUEST TO FILE OPPOSITION AND
GRANTING EXTENSION OF TIME NUNC
PRO TUNC
(ECF No. 59.)**

**ORDER DEEMING PLAINTIFF'S
OPPOSITION TO MOTION FOR
SUMMARY JUDGMENT TIMELY FILED
(ECF No. 60.)**

Tiante Dion Scott ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds with Plaintiff's Third Amended Complaint filed on November 19, 2018, on Plaintiff's medical claims against Defendants Dr. Beregovskaya, Dr. David Gines, LVN C. Agbasi, and RN A. Armendariz.¹ (ECF No. 25.)

On August 9, 2021, Defendants filed a motion for summary judgment. (ECF No. 56.) On September 15, 2021, Plaintiff filed a request for leave to file an opposition to the motion for summary judgment. (ECF No. 59.) Plaintiff also filed his opposition to the motion for summary judgment on September 15, 2021. (ECF No. 60.)

¹ Sued as Armendariz.

1 The deadline for Plaintiff to file an opposition to the motion for summary judgment has
2 expired. The opposition was due within 21 days of August 9, 2021, the date the motion for
3 summary judgment was filed, and therefore the opposition is overdue. However, the court finds
4 good cause to grant Plaintiff an extension of time *nunc pro tunc* to file the opposition, and the
5 opposition shall be deemed timely filed.

6 Based on the foregoing and good cause appearing, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff's request for leave to file an opposition to Defendants' motion for
8 summary judgment is granted;
- 9 2. Plaintiff is granted an extension of time *nunc pro tunc* to file the opposition; and
- 10 3. Plaintiff's opposition to Defendants' motion for summary judgment is deemed
11 timely filed on September 15, 2021.

12 IT IS SO ORDERED.

13 Dated: September 16, 2021

14 /s/ Gary S. Austin
15 UNITED STATES MAGISTRATE JUDGE