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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SCOTT BARBOUR,
Plaintiff,
v.
UNITED STATES OF AMERICA,
Defendant.

Case No. 1:18-cv-00246-NONE-BAM (PC)
ORDER GRANTING DEFENDANT’S EX
PARTE MOTION FOR EXTENSION OF
TIME TO RESPOND TO COMPLAINT
(ECF No. 36)

Plaintiff Scott Barbour (“Plaintiff”) is a federal prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to the Federal Tort Claims Act, 28 U.S.C. § 1346(b).

On September 2, 2020, the Court granted in part and denied in part Defendant United States of America’s motion to dismiss. (ECF No. 33.) This action now proceeds only on Plaintiff’s claim for failure to patrol. Accordingly, on September 3, 2020 the Court directed Defendant to file an answer or other responsive pleading to Plaintiff’s first amended complaint within twenty-one (21) days. (ECF No. 34.) On September 14, 2020, Plaintiff filed a motion for reconsideration of the Court’s order granting in part and denying in part Defendant’s motion to dismiss. (ECF No. 35.)

Currently before the Court is Defendant’s request for an extension of time to respond to the complaint, filed September 23, 2020. (ECF No. 36.) Defendant requests an extension of time until after Plaintiff’s motion for reconsideration is resolved. (*Id.*) Plaintiff has not had an

1 opportunity to respond to the motion, but the Court finds no need for a response. The motion is
2 deemed submitted. Local Rule 230(l).

3 The Court, having considered Defendant's request, finds good cause to grant the requested
4 extension of time. Fed. R. Civ. P. 6(b). The Court further finds that Plaintiff will not be
5 prejudiced by the requested extension, as it will allow time for resolution of Plaintiff's pending
6 motion for reconsideration prior to the filing of Defendant's responsive pleading.

7 Accordingly, it is **HEREBY ORDERED** as follows:

- 8 1. Defendant's request for an extension of time to respond to the complaint, (ECF No. 36), is
9 **GRANTED**;
- 10 2. The deadline for Defendant to file a responsive pleading is **VACATED**;
- 11 3. The Court will reset the deadline for Defendant to respond to the complaint following
12 resolution of Plaintiff's motion for reconsideration; and
- 13 4. Defendant's opposition or other response to Plaintiff's motion for reconsideration, if any,
14 remains due on or before **October 6, 2020**.

15
16 **IT IS SO ORDERED.**

17 Dated: **September 24, 2020**

/s/ Barbara A. McAuliffe
18 UNITED STATES MAGISTRATE JUDGE