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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL MADDEN, Successor-in-Interest to Ryan P. Madden, *et al.*,

Plaintiffs,

v.

HICKS, *et al.*,

Defendants.

Case No. 1:18-cv-00255-KES-BAM (PC)

ORDER GRANTING DEFENDANTS’ REQUEST FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS’ MOTION TO COMPEL

(ECF No. 82)

Deadline: April 17, 2024

Plaintiffs Michael Madden and Kathleen “Kathy” Madden (“Plaintiffs”), as Successors-in-Interest to Ryan P. Madden, are proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendant Hicks for excessive force and assault and battery claims, and against Defendants Silva and Hicks for California Bane Act and retaliation claims.

On October 3, 2023, Defendants filed a motion for summary judgment on the ground that the undisputed facts establish the former plaintiff and decedent, Ryan P. Madden, failed to exhaust his administrative remedies prior to filing this lawsuit. (ECF No. 70.) Following several extensions of time and a discovery motion, the Court directed Plaintiffs to file either an opposition to Defendants’ motion for summary judgment or a motion to compel regarding any outstanding discovery requests related to the issue of exhaustion and essential to justifying Plaintiffs’ opposition to the summary judgment motion. (ECF No. 78.) Following a further

1 extension of time, Plaintiffs filed a motion to compel on February 23, 2024. (ECF No. 80.)

2 Currently before the Court is Defendants' request for a thirty-day extension of time to
3 respond to Plaintiffs' motion to compel, filed March 18, 2024. (ECF No. 82.) Defense counsel
4 declares that Plaintiff's motion was served by mail only on the Court and not on Defendants'
5 counsel, and their opposition is currently due March 18, 2024.¹ Defense counsel has begun
6 preparing Defendants' opposition, but due to his workload in other cases and upcoming scheduled
7 leave, requires additional time to prepare and file the opposition. Defendants believe good cause
8 exists to request a thirty-day extension of time, up to and including April 17, 2024, to file their
9 opposition. (*Id.*)

10 Plaintiffs have not yet had an opportunity to file a response, but the Court finds a response
11 is unnecessary. The motion is deemed submitted. Local Rule 230(l).

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

15 **However, future requests for extension of this deadline will be subject to a narrow**
16 **interpretation of what constitutes good cause.**

17 Accordingly, IT IS HEREBY ORDERED as follows:

- 18 1. Defendants' motion for extension of time, (ECF No. 82), is GRANTED; and
- 19 2. Defendants' opposition or statement of non-opposition to Plaintiffs' February 23, 2024
20 motion to compel, (ECF No. 80), is due on or before **April 17, 2024**.

21
22 IT IS SO ORDERED.

23 Dated: **March 19, 2024**

24 /s/ Barbara A. McAuliffe
25 UNITED STATES MAGISTRATE JUDGE

26
27
28 ¹ The Court notes that according to its own calculation, Defendants' response to Plaintiff's motion to compel was due on or before March 15, 2024.