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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JOSE ACOSTA,

Plaintiff,

v.

ERIC SANTILLAN dba MR. MANGO  
ANTOJITOS MEXICANO, et al.,

Defendants.

Case No. 1:18-cv-00506-DAD-SKO

**ORDER ENLARGING TIME TO  
RESPOND TO COMPLAINT**

(Doc. 7)

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Plaintiff Jose Acosta (“Plaintiff”) filed his complaint on April 13, 2018. (Doc. 1.) Defendant Eric Santillan dba Mr. Mango Antojitos Mexicanos (“Santillan”) was personally served on April 21, 2018. (Doc. 6.) Defendant Santillan’s responsive pleading was therefore due twenty-one (21) days after service, or May 14, 2018. Fed. R. Civ. P. 6(a)(1)(c), 12(a)(1)(A)(i).

The parties filed a “Stipulation for Extension of Time for Defendant [Santillan] to Respond to Plaintiff’s Complaint” (Doc. 7) on May 25, 2018—eleven days *after* Defendant Santillan’s responsive pleading deadline. Although the Court may extend time to file a responsive pleading after the deadline has expired because of “excusable neglect,” Fed. R. Civ. P. 6(b)(1)(B), no such excusable neglect has been articulated—much less shown—here. Notwithstanding this deficiency, given the absence of bad faith or prejudice to Plaintiff (as evidenced by the parties’ agreement to the extension of time), and in view of the liberal construction of Fed. R. Civ. 6(b)(1) to effectuate the general purpose of seeing that cases are tried on the merits, see *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258–59 (9th Cir. 2010), the Court GRANTS the parties’ stipulated request. *The parties are cautioned that future post hoc request for extensions of time will be viewed with disfavor.*

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**IT IS HEREBY ORDERED** that Defendant Santillan shall respond to Plaintiff's  
Complaint on or before June 17, 2018.

IT IS SO ORDERED.

Dated: May 29, 2018

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE