

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DAVID EVANS,

Plaintiff,

v.

MARTIN, *et al.*,

Defendants.

Case No. 1:21-cv-00093-DAD-BAM (PC)

**ORDER GRANTING DEFENDANTS'
MOTION FOR EXTENSION OF TIME TO
RESPOND TO COMPLAINT**

(ECF No. 20)

**Response to Complaint Due: November 12,
2021**

Plaintiff David Evans ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendants Guerra, Jolly, and Lopez ("Defendants") for excessive force in violation of the Eighth Amendment and against Defendant Guerra for sexual assault in violation of the Eighth Amendment.

On August 12, 2021, Defendants Guerra, Jolly, and Lopez submitted waivers of service of summons. (ECF No. 19.) Defendants' responsive pleadings are therefore due on or before September 13, 2021.

Currently before the Court is Defendants' motion for a sixty-day extension of time to file a response to the complaint, filed September 8, 2021. (ECF No. 20.) Although Plaintiff has not had an opportunity to respond to Defendants' motion, the Court finds a response unnecessary. Local Rule 230(l).

1 A declaration of counsel filed in support of the request states that additional time is
2 needed to review Plaintiff's central file, medical records, and appeal packages, some of which
3 were received on July 29, 2021 and are substantial in length. (ECF No. 20, p. 4.) The task of
4 reviewing all of these records must be balanced against defense counsel's existing caseload and
5 previously set deadlines in other cases. Counsel requests a sixty-day extension of time, up to and
6 including November 12, 2021, to review Plaintiff's records, determine a course of action, and
7 prepare and file Defendants' response to Plaintiff's complaint. (*Id.*)

8 Having considered the request, the Court finds good cause to modify the briefing schedule
9 in this matter. Fed. R. Civ. P. 6(b). The Court further finds that Plaintiff will not be prejudiced
10 by the extension of time requested here.

11 Accordingly, Defendants' motion for an extension of time to file a response to the
12 complaint, (ECF No. 20), is HEREBY GRANTED. Defendants shall file a response to the
13 complaint on or before **November 12, 2021**.

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15 IT IS SO ORDERED.

16 Dated: September 8, 2021

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