

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
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL ROBERTS,
Plaintiff,
v.
GAVIN NEWSOM, et al.,
Defendants.

Case No. 1:21-cv-00506-KES-CDB (PC)
**ORDER GRANTING DEFENDANTS
COVERT AND PARRA’S EX PARTE
APPLICATION TO EXTEND TIME
WITHIN WHICH TO FILE RESPONSIVE
PLEADING**
(Doc. 50)

Paul Roberts is proceeding pro se in this civil rights action pursuant to 42 U.S.C. section 1983.

I. RELEVANT PROCEDURAL BACKGROUND¹

Following service of Plaintiff’s first amended complaint on Defendants Covert and Parra, Defendants Covert and Parra waived personal service, and a responsive pleading was due to be filed no later than March 4, 2025. (Doc. 49.)

On March 3, 2025, Defendants Covert and Parra filed an ex parte application, seeking a 28-day extension of time within which to file their responsive pleading. (Doc. 50.)

///

¹ Defendants CIM Warden, Delgadillo, Farooq, Gilman, Gonzales, Lemus, Pilkerton, and Torres have already appeared in this action. (Doc. 34.) The undersigned issued Findings and Recommendations to Grant in Part and Deny in Part Defendants’ Motion to Partially Dismiss Plaintiff’s First Amended Complaint on August 12, 2024. (Doc. 40.) Those findings remain pending determination before the assigned District Judge.

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

II. DISCUSSION

Defendants Covert and Parra request an extension of 28-days within which to file a responsive pleading. (Doc. 50 at 3.) Defense counsel declares he received Parra’s request for representation on January 21, 2025, and Covert’s request on January 26, 2025. (*Id.* at 5, ¶ 2.) Counsel declares that due to the “press of business,” he has been unable to prepare, file, and serve a responsive pleading. (*Id.*, ¶ 3 [detailing multiple assignments and related filings].) Defense counsel filed the application ex parte because Plaintiff is a parolee and represents himself. (*Id.*, ¶ 4.) Further, counsel does not believe Plaintiff would be prejudiced by the requested extension of time and Plaintiff advised counsel by telephone on March 2, 2025, that he did not oppose the extension. (*Id.*) Defendants Covert and Parra have not sought a previous extension of the filing deadline. (*Id.*, ¶ 5.)

III. CONCLUSION AND ORDER

Accordingly, and for good cause shown, **IT IS HEREBY ORDERED** that:

1. Defendants’ request for an extension of time within which to file a responsive pleading (Doc. 50) is **GRANTED**; and
2. Defendants Covert and Parra **SHALL** file a responsive pleading **no later than April 1, 2025**.

IT IS SO ORDERED.

Dated: March 10, 2025


UNITED STATES MAGISTRATE JUDGE