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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	JOSEPH SCHESSLER,	Case No. 1:23-cv-01012-BAM (PC)
12	Plaintiff,	ORDER GRANTING DEFENDANT'S EX
13	v.	PARTE APPLICATION TO MODIFY THE DEADLINES TO FILE (1) A REPLY IN
14	BASS,	SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT; (2) AN OPPOSITION TO PLAINTIFF'S CROSS-
15	Defendant.	MOTION FOR SUMMARY JUDGMENT
16		(ECF No. 41)
17		Opposition and Reply Deadlines: December 6, 2024
18		0, 2024
19	Plaintiff Joseph Schessler ("Plaintiff") is a state prisoner proceeding pro se in this civil	
20	rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendant Bass	
21	("Defendant") for retaliation and denial of free exercise of religion in violation of the First	
22	Amendment, and for violation of the Bane Act, California Civil Code 52.1. All parties have	
23	consented to United States Magistrate Judge jurisdiction. (ECF Nos. 6, 11.)	
24	On September 16, 2024, Defendant filed a motion for summary judgment on the grounds	
25	that there is no genuine issue of material fact that Plaintiff's First Amendment rights were	
26	violated, Plaintiff's free exercise claim is meritless, and Defendant is entitled to qualified	
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1 immunity. (ECF No. 36.) Following the filing of Plaintiff's opposition papers, Defendant's reply brief is currently due on or before October 22, 2024.¹ (ECF Nos. 38, 39.) 2

3 On October 16, 2024, Plaintiff filed a cross-motion for summary judgment. (ECF No. 4 40.) Defendant's opposition or statement of non-opposition is due on or before November 6, 5 2024.

Currently before the Court is Defendant's ex parte application to modify the deadlines to 6 7 file a reply in support of Defendant's motion for summary judgment and to file an opposition to 8 Plaintiff's motion for summary judgment. (ECF No. 41.) Although Plaintiff has not had an 9 opportunity to respond to Defendant's request, the Court finds a response unnecessary. The 10 motion is deemed submitted. Local Rule 230(1).

Defendant argues that good cause exists for the requested extensions of time because 11 12 Plaintiff's motion for summary judgment introduces new issues requiring further consideration, 13 and additional time is required to ensure that Defendant's responses are consistent between the 14 reply in support of Defendant's motion for summary judgment and the opposition to Plaintiff's 15 cross-motion. (ECF No. 41.) Defendant plans to supplement evidence presented in Defendant's 16 motion for summary judgment, and obtain additional evidence to address Plaintiff's arguments. 17 In addition, defense counsel has been battling the flu and has taken sick leave, leaving counsel 18 unable to fully commit to the demands of this case. Defense counsel's availability is also limited 19 due to several time conflicts and the commitments in other cases. As this is Defendant's first 20 request, Defendant does not believe this delay will prejudice Plaintiff. Defendant requests that 21 both the reply and opposition deadlines be extended to December 6, 2024. (*Id.*)

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Having considered the request, the Court finds it appropriate to modify the briefing 23 schedule in this matter. Fed. R. Civ. P. 6(b). The Court further finds that Plaintiff will not be 24 prejudiced by the brief extension requested here.

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¹ The Court notes that although the docket reflects a filing date of October 7, 2024, the deadline for Defendant's reply 27 brief did not begin to run until October 8, 2024, the date Plaintiff's opposition papers were actually entered on the docket. (ECF Nos. 38, 39); Local Rule 230(1) (providing that a reply to a motion in a prisoner action may be filed 28 "not more than fourteen (14) days after the opposition has been filed in CM/ECF").

1	Based on the foregoing, IT IS HEREBY ORDERED that:	
2	1. Defendant's <i>ex parte</i> application to modify the deadlines, (ECF No. 41), is GRANTED, as	
3	follows:	
4	a. Defendant's reply to Plaintiff's opposition to Defendant's motion for summary	
5	judgment is due on or before December 6, 2024;	
6	b. Defendant's opposition to Plaintiff's cross-motion for summary judgment is due	
7	on or before December 6, 2024 ; and	
8	2. Plaintiff's reply in support of his cross-motion for summary judgment, if any, is due	
9	within fourteen (14) days from the date of filing of Defendant's opposition.	
10	IT IS SO ORDERED	
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12	Dated: October 23, 2024 /s/ Bashara A. McAuliffe	
13	UNITED STATES MAGISTRATE JUDGE	
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