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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF CALIFORNIA
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5 ESTATE OF ARIEL TORRES,
6 Plaintiff,
7 v.
8 CALIFORNIA DEPARTMENT OF
9 CORRECTIONS AND
10 REHABILITATION, et al.
11 Defendants.

1:24-cv-00731-KES-SAB

ORDER DENYING DEFENDANT
TRUONG'S REQUEST FOR
ADMINISTRATIVE RELIEF TO VACATE
RESPONSIVE PLEADING FILING
DEADLINE

ORDER REQUIRING STATUS REPORT RE
REPRESENTATION OF DEFENDANT
MONICA NARVAIZ

(ECF No. 18)

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13 On June 21, 2024, Plaintiff filed a complaint in this action. (ECF No. 1.) On August 15,
14 2024, Defendant Monica Narvaiz filed an answer to the complaint. (ECF No. 13.) On August
15 15, 2024, Defendants California Department of Corrections and Rehabilitation, Jeffrey
16 Macomber, Kevin Hixon, Diane Toche, Connie Gipson, Frederick Beryerlein, Ulises Ojeda, and
17 Elizabeth Beltran filed a motion to dismiss. (ECF No. 14.) Defendant Bianca Truong has not
18 filed a responsive pleading.

19 On August 15, 2024, Bianca Truong requested an extension of time until August 30, 2024
20 to respond to Plaintiff's complaint. (ECF No. 14.) No party filed an opposition. See L.R.
21 233(b). Accordingly, on August 15, 2024, the Court granted the motion and ordered that
22 Defendant Truong file a responsive pleading on or before August 30, 2024. (ECF No. 17.)

23 Currently before the Court is a motion for administrative relief filed by Defendant Truong.
24 (ECF No. 18.) The Court finds an opposition would not aid the Court in deciding the motion.¹

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26 ¹ Plaintiffs also filed a motion for administrative relief on August 28, 2024, requesting an extension of time to file an
27 amended complaint. (ECF No. 19.) The Court notes it contains a stipulation between the "Attorney for Defendants
28 CDCR, et al." and Plaintiffs. (Id. at 4.) Because it is unclear if Defendant Narvaiz has stipulated to the motion, the
Court cannot construe the filing as a stipulation for an extension of time pursuant to Local Rule 144(a). Thus, the last
day to file an opposition to Plaintiffs' motion for administrative relief (ECF No. 19) is September 3, 2024. The Court
strongly encourages the parties to file stipulations signed by all parties who have appeared and are affected when
requesting extensions of time. L.R. 144(a).

1 As an initial matter, on July 10, 2024, counsel Corinna Sue Arbiter filed a declaration
2 stating she represents Defendant Narvaiz and requested an extension of time to file a response on
3 behalf of Defendant Narvaiz. (ECF No. 10.) On July 16, 2024, the Court granted the request.
4 (ECF No. 11.) Defendant Narvaiz filed an answer on August 15, 2024, through separate counsel.
5 (ECF No. 13.) Neither Ms. Arbiter nor the Office of the Attorney General is listed as counsel in
6 Defendant Narvaiz's answer. (See ECF No. 13 generally.) No substitution of counsel nor motion
7 to withdraw has been filed. Because it is unclear whether Ms. Arbiter still represents Defendant
8 Narvaiz, the Court shall require Ms. Arbiter to file a status report as to her representation of
9 Defendant Narvaiz, or, alternatively, file a proper motion requesting relief.

10 Turning to the instant motion, on August 28, 2024, Defendant Truong filed a motion to
11 vacate the August 30, 2024, deadline to respond to Plaintiff's complaint. (ECF No. 18.)
12 Defendant Truong provides no alternative deadline to respond. This Court does not recognize
13 open extensions of time to file responsive pleadings and shall therefore deny the motion.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. Defendant Bianca Truong's motion for administrative relief to vacate the deadline
16 to file a responsive pleading (ECF No. 18 at 2) is DENIED without prejudice; and
- 17 2. Counsel Corinna Arbiter shall file a status report regarding her representation of
18 Defendant Narvaiz, or, alternatively, a proper motion requesting relief within
19 **seven (7) days** after entry of this order.

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21 IT IS SO ORDERED.

22 Dated: August 30, 2024


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UNITED STATES MAGISTRATE JUDGE