

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER LINDSAY,
Plaintiff,
v.
YOLANDA FRYSON,
Defendant

No. 2:10-cv-2842-KJM-KJN PS

ORDER

17 On May 15, 2015, the court directed defendant, no later than May 22, 2015, to show cause
18 in writing why she should not be sanctioned for failure to appear at the May 15, 2015 court-
19 ordered settlement conference. (ECF No. 113.) Additionally, the court permitted plaintiff, no
20 later than May 29, 2015, to file an optional reply to defendant's response to the order to show
21 cause. (Id.) Plaintiff was also directed to file, no later than May 29, 2015, a mandatory brief
22 statement indicating whether he still wishes to pursue the case or whether he has reached an
23 agreement with defendant to dismiss the case with each side to pay its own costs and attorneys'
24 fees. (Id.)

25 Defendant filed a timely response to the order to show cause on May 22, 2015. (ECF No.
26 117.) Subsequently, on May 29, 2015, plaintiff filed a request for an extension of time until June
27 12, 2015, to reply to defendant's response to the order to show cause and to file the statement
28 regarding whether or not he intends to proceed with the case. (ECF No. 118.) Plaintiff seeks an

1 extension based on the fact that certain case documents were inadvertently destroyed by an
2 attorney who had previously considered taking plaintiff's case, and that it would take significant
3 time to recover or replace such documents. (Id.)

4 Although the court is sympathetic to plaintiff's difficulties, the court and the parties
5 already discussed the predicament of the inadvertently destroyed documents at the May 15, 2015
6 settlement conference, and the court accordingly granted plaintiff a two-week period to decide
7 whether or not he wanted to proceed with the case in light of such difficulties. Therefore, that
8 predicament is hardly newly-discovered information that supports a further extension.
9 Nevertheless, in light of plaintiff's *pro se* status, the court grants plaintiff one final extension until
10 June 12, 2015, as requested, to reply to defendant's response to the order to show cause and to file
11 the statement regarding whether or not plaintiff intends to proceed with the case. Plaintiff is
12 advised that the court is disinclined to grant any further extensions of time.

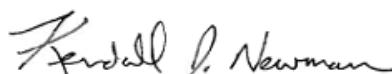
13 Plaintiff also requests a continuance of the trial date. (ECF No. 118.) The court denies
14 that request without prejudice, because such a request must be directed to the district judge who
15 will preside over the trial.

16 Accordingly, IT IS HEREBY ORDERED that:

17 1. Plaintiff's request for an extension of time until June 12, 2015, to reply to defendant's
18 response to the order to show cause and to file the statement regarding whether or not
19 plaintiff intends to proceed with the case is GRANTED.
20 2. Plaintiff's request for a continuance of the trial date is DENIED WITHOUT
21 PREJUDICE.

22 IT IS SO ORDERED.

23 Dated: June 2, 2015

24 
25 KENDALL J. NEWMAN
26 UNITED STATES MAGISTRATE JUDGE
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