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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD CRANE,
Plaintiff,
v.
RODRIGUEZ, et al.,
Defendants.

No. 2:15-cv-00208-TLN-KJN

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 5, 2023, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within thirty days. No party has filed objections to the findings and recommendations.

Pending before the Court is Plaintiff’s second motion for extension of time to file objections to the January 5, 2023 findings and recommendations.¹ (ECF No. 328.) In the pending motion, Plaintiff states that on February 15, 2023, he filed a motion for clarification. (*Id.*

¹ On February 3, 2023, the magistrate judge granted Plaintiff’s first motion requesting a thirty-day extension of time to file objections. (ECF No. 324.)

1 at 1.) Plaintiff indicates that he cannot file objections until the Court rules on his motion for
2 clarification. (*Id.* at 1–2.) On March 20, 2023, the magistrate judge denied plaintiff’s motion for
3 clarification. (ECF No. 330.) The magistrate judge found that the arguments raised in Plaintiff’s
4 motion for clarification do not concern the instant action. (*Id.*) In the pending motion, Plaintiff
5 also claims he needs additional time to “research and prepare.” (ECF No. 328 at 2.) Plaintiff
6 does not explain why he was unable to prepare his objections during the time previously granted
7 by the Court. For the reasons discussed above, this Court finds that Plaintiff has not shown good
8 cause to grant his second motion for extension of time to file objections. Accordingly, this
9 motion is DENIED.

10 The Court has reviewed the file and finds the findings and recommendations to be
11 supported by the record and by the magistrate judge’s analysis.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. The findings and recommendations filed January 5, 2023, are ADOPTED IN FULL;
- 14 2. The motion for summary judgment on behalf of Defendants Barton, etc. (ECF No. 236)
15 is GRANTED as to the following claims: 1) Plaintiff’s claims regarding the January 16, 2013
16 incident based on plaintiff’s failure to exhaust administrative remedies (including the related
17 claim against defendant Davey); 2) Plaintiff’s claims against defendant Robinette regarding the
18 January 22, 2011 incident as without merit; and 3) Plaintiff’s claims against Defendant Davey
19 regarding the March 1, 2013 incident as without merit;
- 20 3. The motion for summary judgment on behalf of Defendants Barton, etc. (ECF No. 236)
21 is DENIED in all other respects;
- 22 4. The motion for summary judgment on behalf of Defendant Weeks (ECF No. 240) is
23 DENIED;
- 24 5. Plaintiff’s second motion for extension of time to file objections (ECF No. 328) is
25 DENIED.

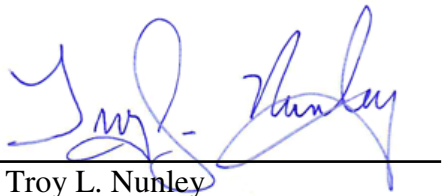
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Date: March 27, 2023



Troy L. Nunley
United States District Judge