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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 MATTHEW M. DENNIS,

12 Plaintiff,

13 v.

14 SCOTT KERNAN, et al.,

15 Defendants.  
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No. 2:16-cv-0542 KJM AC P

ORDER

17 Plaintiff, a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C.  
18 § 1983, has filed a motion for default judgment on the ground that defendants have not responded  
19 to his motion for summary judgment. ECF No. 225. After plaintiff filed his motion for summary  
20 judgment (ECF No. 211), defendants sought a thirty-day extension of time to respond (ECF No.  
21 215). The motion was granted, and defendants had thirty days from the service of the order to file  
22 their opposition, making the new deadline August 12, 2022.<sup>1</sup> ECF No. 218. August 12 was a  
23 Friday; the opposition was filed the following Monday, August 15, and was not accompanied by a  
24 request for leave to untimely file. Because the delay was so brief and in light of court policy  
25 favoring resolution of issues on the merits, the opposition will be deemed timely filed and  
26 plaintiff's motion for default judgment will be denied. Defendants are cautioned that further late

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28 <sup>1</sup> Because the order was served on defendants electronically, they were not entitled to the  
additional three days provided when service is made by mail. See Fed. R. Civ. P. 6(d).

1 filings that are not accompanied by a motion for leave to untimely file will be disregarded.

2 Plaintiff currently has until August 29, 2022, to file a reply in support of his motion for summary  
3 judgment, and that deadline will be briefly extended.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Plaintiff's motion for default judgment (ECF No. 225) is DENIED.

6 2. Plaintiff shall have an additional fourteen days, up to September 12, 2022, to file a  
7 reply in support of his motion for summary judgment.

8 DATED: August 24, 2022

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10 ALLISON CLAIRE  
11 UNITED STATES MAGISTRATE JUDGE  
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