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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOMINGO L. CLEVELAND, SR.,  
Plaintiff,  
v.  
JANSSEN PHARMACEUTICALS,  
Defendant.

No. 2:16-cv-02308-MCE-AC

ORDER

This matter is before the undersigned pursuant to Local Rule 302(c)(21). On November 16, 2017, plaintiff requested a 30-day extension of time to respond to defendant’s demand for a jury trial. ECF No. 29. Jury demands are governed by Fed. R. Civ. P. 38, which requires that a jury demand must be made by “serving the other parties with a written demand—which may be included in a pleading—no later than 14 days after the last pleading directed to the issue is served” and filing that pleading. Fed. R. Civ. P. 38(b)(1). A jury demand in an answer, even if the demand is buried in the answer, complies with the Rule. Lutz v. Glendale Union High Sch., 403 F.3d 1061, 1064 (9th Cir. 2005) (citing Gargiulo v. Delsole, 769 F.2d 77, 78–79 (2d Cir.1985)).

Defendant properly included a jury demand in its answer. ECF No. 23. No responsive pleading is required or contemplated by the Federal Rules of Civil Procedure, and there is no

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1 deadline to be extended. Accordingly, plaintiff's request a 30-day extension of time, ECF No. 29  
2 at 1, is DENIED.

3 IT IS SO ORDERED.

4 DATED: November 17, 2017.

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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE