

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

NICHOLAS PATRICK,

 Plaintiff,

 v.

MCINTYRE, et al.,

 Defendants.

No. 2:17-CV-1045-TLN-DMC

ORDER

Plaintiff, who is proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court are Plaintiff’s motion for an extension of time, ECF No. 41, and Plaintiff’s motion for reconsideration, ECF No. 42. Defendants have filed an opposition to both motions. See ECF No. 43.

In his motion for an extension of time, Plaintiff seeks “additional discovery time to address this action.” ECF No. 41, g. 2. Plaintiff’s motion will be denied as unnecessary because, on August 10, 2020, the court issued an order staying discovery pending resolution of Defendants’ motion for involuntary dismissal. See ECF No. 39.

In his motion for reconsideration, Plaintiff seeks reconsideration of the Court’s June 12, 2020, order granting Defendants’ motion to compel, which was unopposed. See ECF No. 42. Plaintiff sets forth various arguments as to why Defendants’ motion to compel should not have been granted. Plaintiff’s motion is construed as a late-filed opposition to Defendants’

1 motion to compel and, so construed, is disregarded as untimely.¹

2 Defendants' motion for involuntary dismissal, which has not been opposed, will be
3 addressed separately.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Plaintiff's motion for an extension of time, ECF No. 41, is denied as
6 unnecessary;

7 2. Plaintiff's motion for reconsideration, ECF No. 42, is construed as a late-
8 filed opposition to Defendants' motion to compel and, so construed, is disregarded; and

9 3. The Clerk of the Court is directed to terminate ECF Nos. 41 and 42 as
10 pending motions.

11
12 Dated: October 20, 2020



13 DENNIS M. COTA
14 UNITED STATES MAGISTRATE JUDGE

15
16
17
18
19
20
21
22
23
24
25
26
27
28 _____
¹ Defendants' motion to compel was filed on March 13, 2020. As of the date of the Court's June 12, 2020, order, Plaintiff had not responded to the motion in any way.