

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

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIP BRANSON,

Plaintiff,

v.

TRINITY COUNTY SHERIFF'S
DEPARTMENT, et al.,

Defendants.

No. 2:19-cv-2452 KJM AC P

ORDER

Defendants Bauman and Alleson have filed an untimely motion to extend the time for filing a motion for summary judgment. ECF No. 45. The deadline for filing dispositive motions was October 6, 2023. ECF No. 38 at 6.

Federal Rule of Civil Procedure 6(b) provides that the court may extend time “on motion made after the time has expired if the party failed to act because of excusable neglect.” Although counsel explains why he was unable to complete a dispositive motion by the deadline, he offers no explanation as to why he was unable to file a motion for an extension of time prior to the expiration of the deadline and waited until over a month after the deadline expired to seek an extension. ECF No. 45 at 2-3. Defendants have therefore failed to establish excusable neglect, and it would be entirely appropriate to deny the motion on that ground. Counsel is hereby admonished. However, because a motion for summary judgment may narrow the issues for trial

1 or obviate the need for a trial, and given the overwhelming caseload this court labors under, the
2 interest of judicial economy favors granting the request.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Defendants Bauman and Alleson's motion for an extension of time (ECF No. 45) is
5 GRANTED; and

6 2. Defendants shall have until December 15, 2023, to file a motion for summary
7 judgment.

8 DATED: November 9, 2023

9 
10 ALLISON CLAIRE
11 UNITED STATES MAGISTRATE JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28