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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMUEL R. SPENCER,
Plaintiff,
v.
ROBERT F. SINCLAIR, et al.,
Defendants.

No. 2:20-cv-01266 TLN AC

ORDER

This matter is before the undersigned magistrate judge pursuant to Local Rule 302(c)(21). On September 3, 2020, the undersigned recommended this case be dismissed with prejudice for lack of subject matter jurisdiction. ECF No. 27. The recommendation was adopted, over plaintiff’s objections, and this case was closed. ECF Nos. 28, 31, 32. Following entry of judgment, plaintiff filed a motion to amend the judgment, a motion to set aside the judgment, and another motion to amend the judgment. ECF Nos. 35, 36, 37. On November 24, 2020, the undersigned recommended each of these motions be denied. ECF No. 38. On December 7, 2020, plaintiff asked for a 28-day extension of time to object to that recommendation, and the court granted this one-time ex parte request for an extension. ECF Nos. 40, 41.

On December 30, 2020 plaintiff filed a motion to set aside the order and judgment dismissing this case (duplicative of the already-addressed motions at ECF Nos. 35-37) and a motion for a 60-day extension of time to object to the pending findings and recommendations. ECF Nos. 42 and 43. In the motion for an extension of time, plaintiff acknowledges that he has

1 already filed five (5) briefs, *which total 142 pages*, in the time since the undersigned found there
2 was no jurisdiction to hear this case. ECF No. 43 at 3. Plaintiff complains that unless an
3 extension is received, he will have “less than ten weeks” to complete his objections to the pending
4 findings and recommendations (ECF No. 38) which recommend denying his various requests to
5 re-open this case. Id.

6 A pretrial order setting deadlines “may be modified only for good cause.” Fed.R.Civ.P.
7 16(b)(4). “The ‘good cause’ standard set forth in Rule 16 primarily focuses upon the diligence of
8 the party requesting the amendment.” Monroe v. Zimmer US, Inc., No. CIV S-08-2944 FCD,
9 2010 WL 3245165, at *1 (E.D. Cal. Aug. 17, 2010). The court finds that plaintiff has not
10 demonstrated good cause for a further extension of the deadline. Plaintiff is not entitled to more
11 than 10 weeks to file objections to findings and recommendations – the usual time provided is 14
12 to 21 days. While the court recognizes access to legal resources is diminished due to the ongoing
13 pandemic, plaintiff has already managed to file 142 pages of briefing following the dismissal of
14 his case – an excessive amount, even in pre-pandemic times. Further, plaintiff has already been
15 granted one extension of time. There is no good cause for a second extension of time. In light of
16 the foregoing, the court rules as follows:

- 17 1. Plaintiff’s motion to set aside (ECF No. 42) is STRICKEN as duplicative of the motions
18 already filed at ECF Nos. 35, 36 and 37, and because it is not properly noticed per the
19 local rules;
- 20 2. Plaintiff’s motion for an extension of time (ECF No. 43) is DENIED for lack of good
21 cause shown; and
- 22 3. The court will entertain no further motions in this closed case until the district judge has
23 ruled on the pending findings and recommendations (ECF No. 38). Plaintiff may file
24 objections to the findings and recommendations by the current deadline of January 12,
25 2021. Any other filings by plaintiff will be disregarded.

26 IT IS SO ORDERED.

27 DATED: January 5, 2021

28 
ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE