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

SEAN MICHAEL PELTON,
Plaintiff,
v.
AMADOR COUNTY, CALIFORNIA,
Defendant.

No. 2:21-CV-1968-TLN-DMC-P

ORDER

Plaintiff, a pre-trial detainee proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is Plaintiff’s “Motion to Delay,” which the Court construes as a motion for an extension of time to file an opposition to Defendant’s motion for summary judgment.

In his motion, Plaintiff states that he has not received Defendant’s motion for summary judgment. According to Plaintiff, mail directed to Plaintiff at or about the time Defendant’s motion for summary judgment was served was not delivered to Plaintiff because it contained a foreign object, specifically a CD. A review of the docket reflects that Defendant has lodged with the pending motion for summary judgment a video exhibit on CD. It thus appears that this was the mail which was not delivered to Plaintiff.

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1 Good cause appearing therefor, the Court will direct that Defendant re-serve its
2 motion for summary judgment without the video exhibit on CD in order to allow the mail to be
3 received by Plaintiff. Defendant shall also be required to coordinate with staff at the Fresno
4 County Jail to facilitate Plaintiff's viewing of the video exhibit so that Plaintiff may prepare his
5 opposition brief. The Court will also extend the time for Plaintiff to file his opposition brief and
6 any supporting exhibits.

7 Accordingly, IT IS HEREBY ORDERED as follows:

8 1. Plaintiff's "Motion to Delay" is construed as a motion for an extension of
9 time to file an opposition to Defendant's motion for summary judgment and, so construed, is
10 GRANTED.

11 2. Defendant is directed to re-serve its motion for summary judgment on
12 Plaintiff without the video exhibit on CD within 10 days of the date of this order.

13 3. Defendant is further directed to coordinate with staff at the Fresno County
14 Jail to facilitate Plaintiff's viewing of the video exhibit within 20 days of the date of this order.

15 4. Within 5 days of Plaintiff's viewing of the video exhibit, Defendant shall
16 file a notice of compliance.

17 5. Plaintiff's opposition to Defendant's motion for summary judgment is due
18 within 30 days of the date of Defendant's notice of compliance.

19 6. Defendant may file a reply brief within 20 days of the date of service of
20 Plaintiff's opposition brief.

21
22 Dated: June 3, 2024



23 DENNIS M. COTA
24 UNITED STATES MAGISTRATE JUDGE