

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LAWRENCE CARLTON SMITH,

No. C 13-3316 MEJ (pr)

Plaintiff,

**ORDER GRANTING DEFENDANTS'
MOTION FOR EXTENSION OF
TIME; DENYING PLAINTIFF'S
MOTION FOR RELIEF**

v.

L. STEPP, et al.,

Defendants.

(Docket Nos. 56, 61)

Plaintiff Lawrence Carlton Smith filed a *pro se* civil rights action under 42 U.S.C. § 1983. On July 2, 2014, defendants filed a motion for summary judgment. (Docket No. 47.) On July 25, 2014, plaintiff filed an opposition to defendants' motion for summary judgment. (Docket No. 54.) On August 5, 2014, defendants filed a motion for extension of time to August 22, 2014, to file a reply. (Docket No. 56.) Defendants thereafter filed a reply on August 21, 2014. (Docket No. 60.) Plaintiff has filed a motion requesting relief be granted in his favor because the court did not grant defendants' motion for an extension of time and therefore the reply filed August 21, 2014, was untimely. (Docket No. 61.) Defendants have filed an opposition to plaintiff's motion for relief. (Docket No. 62.)

Plaintiff is correct that the court had not granted defendants an extension of time to file a reply brief and therefore it was untimely when filed on August 21, 2014. However, the late filing of a reply brief does not warrant relief. The court has discretion to grant an extension for "good cause." Fed. R. Civ. P. 6(b)(1). "Good cause" is not an especially rigorous standard and extensions requested before the due date are routinely granted if sought

1 in good faith and do not prejudice the adversary. *See Ahanchian v. Xenon Pictures, Inc.*, 624
2 F.3d 1253, 1259-60 (9th Cir. 2010).

3 Here, defendants filed a motion for an additional fourteen days to file a reply, prior to
4 the August 8, 2014 due date. Defendants indicated that they needed the time to speak with
5 the multiple defendants in the case. Thereafter, defendants filed a reply within the time
6 requested. In addition, the late filing of the reply did not cause any undue delay or prejudice.
7 For these reasons, defendants' motion is GRANTED, and the reply filed August 21, 2014, is
8 deemed timely. Plaintiff's motion for relief is DENIED. Defendants' motion for summary
9 judgment is deemed submitted.

10 This order terminates docket numbers 56 and 61.

11 IT IS SO ORDERED.

12
13 DATED: October 2, 2014



Maria-Elena James
United States Magistrate Judge