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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 MAYER AMSCHEL ROTHSCHILD,
8 Plaintiff,
9 v.
10 STEPHEN WAGSTAFFE, et al.,
11 Defendants.

Case No. 23-cv-05739-LJC

**ORDER DENYING MOTION FOR
EXTENSION OF CIVIL LOCAL RULE
7 AND ENLARGMENT OF TIME**

Re: ECF No. 14

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13 Plaintiff Mayer Amschel Rothschild, who is unrepresented, is proceeding in this action *in*
14 *forma pauperis* (IFP) under 28 U.S.C. § 1915(a)(1), meaning without any prepayment of fees or
15 security. *See* ECF No. 11. Now pending before the Court is Mr. Rothschild's Motion for
16 Extension of Civil Local Rule 7 and Enlargement of Time (Motion). ECF No. 14. The filing is
17 comprised only of a proposed order granting the Motion and giving Mr. Rothschild a 60-day
18 extension. *Id.* As such, the Motion does not comply with Civil Local Rule 6-3's requirements for
19 motions to enlarge or shorten time, which requires in part a supporting declaration under penalty
20 of perjury that "[s]ets forth with particularity the reasons for the requested enlargement or
21 shortening of time" and "[i]dentifies the substantial harm or prejudice that would occur if the
22 Court did not change the time." Civil L.R. 6-3(a). More importantly, nowhere in the Motion does
23 Mr. Rothschild indicate what is the Court deadline for which he is seeking an extension.

24 The Court notes for the record that it previously set a deadline for March 1, 2024, so that
25 Mr. Rothschild could file an amended complaint in response to the Court's screening order under
26 28 U.S.C. § 1915(e)(2)(B). ECF No. 11. The Court directed Mr. Rothschild to fix several
27 deficiencies in the Complaint before the action would be allowed to proceed. To date, Mr.
28 Rothschild has yet to file an amended complaint. If this is the deadline Mr. Rothschild is referring

1 to in the Motion, then the Court finds there is not good cause to justify an order granting Mr.
2 Rothschild a 60-day extension to file an amended complaint. First, Mr. Rothschild claims that he
3 has experienced “health problems and issues that [have] caused a delay or inability to answer,”
4 ECF No. 14 at 1¹, but Mr. Rothschild has not set forth these purported facts as to his health issues
5 in a declaration under penalty of perjury, as required under Civil Local Rule 6-3(a).

6 Even setting aside this technical deficiency, and crediting Mr. Rothchild’s representation
7 that he has had health problems during the time period he describes, these grounds are insufficient
8 to warrant an extension. Mr. Rothchild represents that he experienced an accident and underwent
9 emergency surgery on December 20, 2023, months before the March 1, 2024 deadline. ECF No.
10 14 at 1. Mr. Rothschild indicates there was a second emergency surgery as well, but the date of
11 when that second procedure took place is not specified. *Id.* at 2. The third surgery occurred on
12 March 27, 2024, more than three weeks after the deadline for Mr. Rothschild to file an amended
13 complaint had passed. *Id.* There is no explanation of how the timing of any of these procedures
14 or his recovery time interfered with his ability to comply with the March 1, 2024 deadline, or with
15 his ability to seek an extension in advance of that deadline. Moreover, Mr. Rothschild filed a
16 Motion for Permission to File Amended Complaint on February 21, 2024, which did not mention
17 any of these health problems. The Court ultimately denied the Motion for Permission to File
18 Amended Complaint that same day, and the denial order expressly stated that it did not disturb the
19 Court’s prior screening order, giving Mr. Rothchild until March 1, 2024 to file an amended
20 complaint that addressed the previously identified deficiencies in his Complaint. ECF Nos. 12,
21 13. Mr. Rothschild does not attempt to reconcile how his health problems and issues did not
22 interfere with his ability to file such a motion but did interfere with his ability to file an amended
23 complaint by March 1, 2024.

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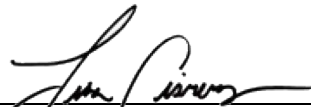
28 ¹ Unless specified otherwise, the Court refers to the PDF page number generated by the Court’s e-
filing system.

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Accordingly, Mr. Rothschild’s Motion is hereby **DENIED**. The Court will issue a separate order as to the question of whether Mr. Rothschild can proceed with prosecuting this case pursuant to 28 U.S.C. § 1915.

IT IS SO ORDERED.

Dated: March 28, 2024



LISA J. CISNEROS
United States Magistrate Judge