## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

ARTHUR PARNELL, III,	) No. 06-7662 SBA (PR)
Plaintiff,	ORDER DENYING DEFENDANTS
v.	) SECOND REQUEST FOR AN
A. TUCKER, et al.,	) EXTENSION OF TIME TO FILE A DISPOSITIVE MOTION
Defendants.	) ) )

Pursuant to the Court's Order of August 27, 2009, Defendant's motion for summary judgment was due by December 7, 2009. (Docket 10.) The Order specified that any requests for an extension of time must be filed at least 15 days before the filing is due. (<u>Id.</u> at 7.) On December 7, 2009, the same date that its motion was due, Defendants filed request for a 45 day extension of time. Despite the fact that Defendants' request for an extension of time was itself untimely, the Court granted Defendant a 30 day extension, meaning that Defendants' motion was due by January 6, 2010. (Docket 21.)

Defendants failed to file their motion by the January 6, 2010 deadline. Instead, on January 15, 2010, nine days after the motion was due, Defendants filed Defendant's Second Request for Extension of Time to File Dispositive Motion (Docket 22) to extend their filing deadline to January 21, 2010. Defendants claim that they mistakenly calendared the due date for the summary judgment motion as January 21, 2010, which is the date they requested in their first request for extension of time. (Young Decl. ¶ 4.)

Defendants have failed to establish good cause for their second request for an extension of time. First, the request is untimely, as it was not filed at least 15 days prior to the due date for the motion. Second, Defendants' neglect is not excusable. Defense counsel merely assumed that the Court would grant him the full 45 days that he had sought in his first request, which itself was

untimely filed. The predicament that Defendants find themselves in is entirely of their own making. Accordingly,

IT IS HEREBY ORDERED THAT Defendant's Second Request for Extension of Time to File Dispositive Motion is DENIED. If Defendants fail to file their motion for summary judgment forthwith, the Court may consider the imposition of monetary sanctions.

This Order terminates Docket no. 22.

IT IS SO ORDERED.

DATED: <u>1/15/10</u>

United States District Judge