

United States District Court  
Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GARY D EASLEY,  
Plaintiff,  
v.  
SANTA CLARA COUNTY VALLEY  
MEDICAL HOSPITAL, et al.,  
Defendants.

Case No. 21-CV-03011-LHK

**ORDER DISMISSING PLAINTIFF’S  
COMPLAINT WITHOUT PREJUDICE;  
DENYING MOTION FOR EXTENSION  
OF TIME**

On April 23, 2021, Plaintiff Gary Easley (“Plaintiff”), proceeding pro se, filed a complaint in the instant case. ECF No. 1. On April 27, 2021, Judge Nathanael Cousins, to whom this case was originally assigned, granted Plaintiff’s application to proceed in forma pauperis and screened Plaintiff’s complaint under 28 U.S.C. § 1915. ECF No. 4. Judge Cousins found that Plaintiff’s complaint failed to state a claim. *Id.* at 3. Judge Cousins therefore ordered Plaintiff to file an amended complaint by May 27, 2021. *Id.* at 3. Judge Cousins warned Plaintiff that if Plaintiff’s amended complaint failed to cure the deficiencies identified in Judge Cousins’ order, Judge Cousins would recommend termination and dismissal of the complaint. *Id.*

Five days after the May 27, 2021 deadline had passed, Plaintiff on June 1, 2021 filed a

1 motion requesting an extension of the deadline to file an amended complaint to June 25, 2021.  
2 ECF No. 5. On June 4, 2021, the case was reassigned to the undersigned judge. ECF No. 7. On  
3 June 8, 2021, the Court granted Plaintiff’s motion for an extension of the June 1, 2021 deadline to  
4 file an amended complaint to June 25, 2021. ECF No. 8.

5 Three days after the June 25, 2021 deadline had passed, Plaintiff on June 28, 2021 filed a  
6 motion requesting a second extension of the deadline to file an amended complaint to July 25,  
7 2021. ECF No. 9. On July 1, 2021, the Court granted Plaintiff’s motion for an extension of the  
8 June 25, 2021 deadline to file an amended complaint to July 25, 2021. ECF No. 10.

9  
10 Four days after the July 25, 2021 deadline had passed, Plaintiff on July 29, 2021 filed a  
11 motion requesting a third extension of the deadline to file an amended complaint to August 25,  
12 2021. ECF No. 12. On August 5, 2021, the Court granted Plaintiff’s motion for an extension of  
13 the July 25, 2021 deadline to August 25, 2021, but the Court warned Plaintiff that the Court had  
14 already granted three extensions of the deadline and would not grant a fourth extension. ECF No.  
15 13.

16  
17 Five days after the August 25, 2021 deadline had passed, Plaintiff on August 30, 2021 filed  
18 a motion requesting a fourth extension of the deadline to file an amended complaint. ECF No. 14.  
19 In support of Plaintiff’s motion for an extension of the deadline, Plaintiff states that “the United  
20 States resorted to computer infiltration and espionage to prevent as alleged, the Plaintiff from  
21 submitting to the Court information regarding ISIS terrorist group in relation to his ‘poor me’ civil  
22 litigation.” *Id.* at 3. Plaintiff goes on to explain that a “subversive group” worked in collusion  
23 with Microsoft to time a hard-drive update to “crash and fry” all information on Plaintiff’s  
24 computer, thus depriving Plaintiff of the ability to submit an amended complaint. *Id.*

25  
26 On August 5, 2021, the Court clearly warned Plaintiff that the Court would not grant a  
27

United States District Court  
Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

fourth extension of the deadline to file an amended complaint in this case. *See* ECF No. 13. Moreover, the Court does not find that Plaintiff has shown good cause to support a fourth extension of the deadline to file an amended complaint. Thus, the Court DENIES Plaintiff's motion for a fourth extension of time to file an amended complaint.

Finally, Plaintiff has failed to file an amended complaint that cures the deficiencies identified in Judge Cousins' April 27, 2021 order screening Plaintiff's complaint pursuant to 28 U.S.C. § 1915. Accordingly, the Court hereby DISMISSES Plaintiff's complaint without prejudice.

**IT IS SO ORDERED.**

Dated: September 7, 2021



\_\_\_\_\_  
LUCY H. KOH  
United States District Judge