

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
SOUTHERN DISTRICT OF CALIFORNIA**

ROBERT CURTIS BASS,

Petitioner,

vs.

MATTHEW CATE, et al.,

Respondents.

CASE NO. 08cv0274 JM(PCL)

ORDER DENYING MOTION TO
SET ASIDE OR VACATE ORDER
GRANTING DEFENDANTS AN
ENLARGEMENT OF TIME

On December 12, 2008 Respondents filed a motion for extension of time to file a response to Petitioner's petition for writ of habeas corpus brought pursuant to 28 U.S.C. §2254. Counsel for Respondent, Anthony Da Silva, declared that he had been recently assigned to the case and that he required additional time to file an adequate response to the Petition. (Docket No. 23). For good cause shown, Magistrate Judge Peter C. Lewis granted the 30 day request ex parte within "73 minutes after the Deputy Attorney General filed its initial application." (Motion at p.4:5-6). On December 19, 2008 the court denied Petitioner's Objection to the order granting an enlargement of time. By means of the present motion Petitioner seeks to have the court invalidate the order granting an enlargement of time, to enter default judgment against Respondents, and to grant him the relief requested in his petition for writ of habeas corpus.


In general, a motion for reconsideration under Rule 60 is appropriate where (1) the district court is presented with newly discovered evidence, (2) the district court committed clear error or made an initial decision that was manifestly unjust, or (3) there is an intervening change in controlling law.

1 School Dist. No. 1J v. ACandS, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993) (citations omitted), cert.
2 denied, 114 S. Ct. 2742 (1994). Here, Petitioner fails to identify any newly discovered evidence,
3 manifest injustice, or an intervening change in controlling law. Courts routinely grant enlargements
4 of time upon a showing of good cause like that demonstrated by Respondents. See Wong v. Regents
5 of University of California, 410 F.3d 1052 (9th Cir. 2005) (court has inherent authority to control its
6 own docket). Consequently, the court denies Petitioner's motion to alter or amend the order granting
7 Respondents a 30 day extension of time.

8 In sum, the motion is denied.

9 **IT IS SO ORDERED.**

10 DATED: January 12, 2009

11 
12 Hon. Jeffrey T. Miller
United States District Judge

13 cc: All parties
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28