UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JOSE LUIS BARAJAS CENTENO,

Plaintiff,

v.

CITY OF CARLSBAD, et al.,

Defendants.

Case No.: 3:19-cv-2098-L-DEB

ORDER ON PLAINTIFF'S EXTENSION REQUEST (ECF 162-1)

Pending before the Court is the parties' cross-motions for summary judgment. On September 3, 2021, Plaintiff filed a response to Defendants' statement of undisputed facts. (ECF 160). Plaintiff – in that filing – asked the Court to extend his deadline to file a reply in support of his summary judgment motion, from September 3, 2021 to September 15, 2021. *Id*.

The Court issued a discrepancy order and struck that filing from the docket. (ECF 161). It was improper to combine two motions (which resulted in a lack of notice to Defendants on the ex parte request). (ECF 160). Plaintiff also failed to submit the declaration required under Local Civil Rule 83.3 (and this Court's Standing Order). (ECF 161). And he failed to submit a proposed order to the chambers' e-file account. (ECF 161).

On September 4, 2021, Plaintiff refiled the response and extension request. (ECF 162). Yet, he failed to cure the above deficiencies. *Id*.

Plaintiff's counsel contends he was unable to file a reply on time because he was traveling in August. (ECF 161). But there is no reason Plaintiff waited until the deadline to request an extension. The Court issued the revised schedule on the cross-motions for summary judgment on July 23, 2021, a week *before* his trip began. (ECFs 123 & 157). And he did not file his request until four days *after* he returned. (ECF 160).

Plaintiff had sufficient time to file a reply (he already filed an opposition to Defendants' summary judgment motion). The Local Rules provide parties with 7 days to file a reply. *See* Civ. L. R. 7.1. Even with the above travel schedule, Plaintiff has now had more than that. (*See* ECF 160). He also had several prior extensions. (*See* Docket). For those reasons, Plaintiff's request is denied. The Court will nevertheless authorize Plaintiff to file the reply no later than **September 9, 2021**.

IT IS SO ORDERED.

Dated: September 8, 2021

Hon. M. James Lorenz
United States District Judge