

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROSEMARY GARITY,
 Plaintiff,
 vs.
 PATRICK DOHAHOE,
 Defendant.

Case No. 2:11-cv-01805-MMD-CWH
ORDER

This matter is before the Court on Defendant's Motion for Extension of Time to Respond (#37), filed on February 8, 2013. The Court also considered Plaintiff's Response (#39), filed on February 15, 2013.

Federal Rule of Civil Procedure 6(b)(1) provides "[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires." Fed. R. Civ. P. 6(b)(1)(A). Good cause is equated with the exercise of due diligence. *Guillen v. Owens*, 2011 WL 6032861 (D.Ariz.) (citing *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)). Staffing changes do not ordinarily satisfy the good cause standard of Rule 6. *Guillen*, 2011 WL 6032861 *2.

Here, the Office of the United States Attorney for the District of Nevada requests an extension, until April 1, 2013, to file a response to Plaintiff's amended complaint. Counsel indicates that he was unable to comply with the deadline for responding to the amended complaint, February 11, 2013, due to a heavy schedule and pressing deadlines in other cases. In addition, the motion alleges that agency counsel for the USPS has been unavailable, but does not specify when agency counsel will become available and why such assistance is needed. This appears to be an instance where finding good cause for an extension runs the risk of allowing the exception

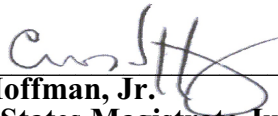
1 overcome the rule. Nevertheless, the Court will grant the requested extension given the factually
2 complex amended complaint, but will limit it to thirty (30) days. Thus, Defendant must file a
3 response to Plaintiff's amended complaint on or before March 21, 2013. No further extensions of
4 the response deadline will be considered.

5 Based on the foregoing and good cause appearing therefore,

6 **IT IS HEREBY ORDERED** that Defendant's Motion for Extension of Time to Respond
7 (#37) is **granted in part and denied in part**. Defendant shall file a response to Plaintiff's
8 amended complaint on or before **Thursday, March 21, 2013**.

9 **IT IS FURTHER ORDERED** that no further extensions of the response deadline will be
10 considered.

11 DATED this 19th day of February, 2013.

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15 **C.W. Hoffman, Jr.**
16 **United States Magistrate Judge**
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