

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Morrison v. Matteson

Morrison · No. 2:23-cv-0850-DJC-JDP (P) · Decided July 15, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends denying plaintiff’s motion for default judgment because defendants timely filed a responsive pleading and otherwise defended the action. The court also orders the Clerk to assign a district judge and explains the procedure and deadline for objections to the findings and recommendations.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 15, 2025
DOCKET	2:23-cv-0850-DJC-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner opposed defendants' motion to extend the dispositive-motion deadline and moved for default judgment. The magistrate judge recommended denial of the default-judgment motion and issued findings and recommendations for review by a district judge.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- default judgment
- default
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether defendants' timely answer and continued defense of the action precluded entry of default under Federal Rule of Civil Procedure 55(a).

2. Whether defendants had shown good cause for a thirty-day extension of the dispositive-motion deadline.

HOLDINGS

1. Default judgment should be denied because defendants timely filed a responsive pleading and had not failed to plead or otherwise defend the action.
2. The court found good cause to extend the dispositive-motion deadline by thirty days based on counsel's workload and the substantial record underlying the action.

KEY QUOTATIONS

“When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.” (at 2)

FACTUAL BACKGROUND

Plaintiff, a pro se prisoner, filed a second amended complaint against defendants Keursten and Muhammad. Defendants filed a timely answer on March 25, 2024. After the court extended the dispositive-motion deadline for good cause, plaintiff argued that the extension was prejudicial because of his age and long COVID-19 illness and sought default judgment in the same filing.

PROCEDURAL HISTORY

The court directed service of plaintiff's second amended complaint on defendants Keursten and Muhammad. Defendants timely answered, after which the court entered a discovery and scheduling order. The court granted defendants a thirty-day extension of the dispositive-motion deadline for good cause, and plaintiff then opposed the extension and moved for default judgment.

DISPOSITION

other

CASES CITED

- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 CURTIS LEE MORRISON, Case No. 2:23-cv-0850-DJC-JDP (P) 12
Plaintiff, 13 v. ORDER; FINDINGS AND RECOMMENDATIONS 14 GISELLE MATTESON, et
al., 15 Defendants. 16 17 Plaintiff, a pro se prisoner, has submitted a filing that operates as an
opposition to 18 defendants’ motion to modify the scheduling order and as a motion for default
judgment.

ECF 19 No. 34. 20 On January 4, 2024, the court directed service of plaintiff's second amended complaint 21 against defendants Keursten and Muhammad. ECF No. 16. Defendants filed a timely answer on 22 March 25, 2024. ECF No. 22. Thereafter, the court issued a discovery and scheduling order, 23 which set the dispositive motion deadline as June 13, 2025. ECF No. 29.

On June 4, 2025, 24 defendants filed a motion seeking to extend the dispositive motion deadline until July 14, 2025. 25 ECF No. 32. Defendants sought the extension, in part, due to counsel's workload and the 26 substantial record that underlies this action.

In light of counsel's representations, the court found 27 good cause to extend the dispositive motion deadline by thirty days. ECF No. 33. 28 Plaintiff has since filed an opposition to the extension, arguing that any extension is 1 prejudicial due to his age and illness (long COVID-19). ECF No. 34. While the court is 2 sympathetic to plaintiff's challenges, this court routinely grants extensions, such as the one 3 requested by defendants, when good cause is shown.

And the court found, having considered 4 defendants' filing, good cause. 5 In the same filing, plaintiff separately moves for default judgment. ECF No. 34. Federal 6 Rule of Civil Procedure 55(a) provides that "[w]hen a party against whom a judgment for 7 affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by 8 affidavit or otherwise, the clerk must enter the party's default." Here, defendants timely filed a 9 response to plaintiff's second amended complaint.

See ECF No. 22. Accordingly, plaintiff's 10 motion for default against the defendants should be denied because defendants have filed a 11 responsive pleading and have not failed to otherwise defend this action. See Fed. R. Civ. P. 55(a). 12 Accordingly, it is hereby ORDERED that the Clerk of Court assign a district judge to this 13 action. 14 Further, it is hereby RECOMMENDED that plaintiff's motion for default judgment, ECF 15 No. 34, be DENIED.

16 These findings and recommendations are submitted to the United States District Judge 17 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of 18 service of these findings and recommendations, any party may file written objections with the 19 court and serve a copy on all parties. Any such document should be captioned "Objections to 20 Magistrate Judge's Findings and Recommendations," and any response shall be served and filed 21 within fourteen days of service of the objections.

The parties are advised that failure to file 22 objections within the specified time may waive the right to appeal the District Court's order. See 23 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 24 1991). 25 26 27 28 1 > IT IS SO ORDERED. 3 (| { Wine Dated: _ July 15, 2025 Q____. 4 JEREMY D. PETERSON 5 UNITED STATES MAGISTRATE JUDGE 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

