

**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.

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