

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Dion Peralta Duran v. County of Riverside

Duran v. County of Riverside · No. 5:23-cv-00106-AB (JDE) · Decided July 11, 2025

SUMMARY

The United States District Court for the Central District of California accepted a magistrate judge’s Report and Recommendation in a civil-rights action arising from medical care provided during pretrial detention. The court granted summary judgment to Riverside County on the medical-care claim because the undisputed facts did not establish a constitutional violation, while denying summary judgment in all other respects. The court also denied the plaintiff’s objections concerning extensions of time and his untimely opposition.

CASE DETAILS

COURT	United States District Court for the Central District of California
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 11, 2025
DOCKET	5:23-cv-00106-AB (JDE)
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation concerning defendants' motion for summary judgment and conducted de novo review of the portions to which plaintiff objected.
STANDARD OF REVIEW	De novo review of portions of the report and recommendation to which objections were made; summary judgment was proper where the undisputed facts failed to show a constitutional violation.
PRECEDENTIAL VALUE	Unknown

TOPICS

- summary judgment
- motion for reconsideration
- civil procedure
- civil rights
- fourteenth amendment

PRACTICE AREAS

- civil procedure
- civil rights
- constitutional law
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the magistrate judge properly denied plaintiff's request for a sixth extension of time to oppose the motion for summary judgment.
2. Whether reconsideration of the denial of the sixth extension was warranted based on a material change in law, a manifest failure to consider material facts, or newly available facts.
3. Whether plaintiff demonstrated inadvertence or excusable neglect warranting permission to file an untimely opposition.
4. Whether summary judgment was proper on plaintiff's medical-care claim against the County because the undisputed facts failed to establish a constitutional violation.
5. Whether plaintiff's proposed motion for summary judgment in opposition was timely under the scheduling order.

HOLDINGS

1. The magistrate judge properly denied plaintiff's request for a sixth extension because plaintiff had already received five extensions, represented that the fifth was the last and final extension, had more than three months to prepare the opposition, and waited until the day before the deadline to seek another extension.
2. Reconsideration was properly denied because plaintiff did not show a material change in law, a manifest failure to consider previously presented material facts, or qualifying new facts.
3. Plaintiff was not entitled to file a late opposition based on inadvertence or excusable neglect because he failed to show good cause for the sixth extension and failed to establish the asserted basis for relief.
4. Summary judgment for the County was proper because the undisputed facts failed to show a constitutional violation.
5. To the extent plaintiff sought to file a motion for summary judgment in opposition, the motion was properly denied as untimely because it was filed more than three and a half months after the deadline in the operative scheduling order.

KEY QUOTATIONS

“Summary judgment on this claim was proper because the undisputed facts failed to show a constitutional violation.” (at 2)

“Because Plaintiff failed to show good cause for a sixth extension of time, he also failed to show inadvertence or excusable neglect as a basis to file an untimely opposition.” (at 2)

FACTUAL BACKGROUND

Plaintiff alleged civil-rights violations arising from his pretrial detention, including inadequate medical care. Upon booking, he received a medical screening, was regularly seen by medical staff, and was transferred promptly to a hospital after reporting symptoms of ulcerative colitis in August 2018. The record contained no evidence that he had submitted multiple ulcerative-colitis-related requests before August 2018 or alerted County personnel to that condition before then.

PROCEDURAL HISTORY

Plaintiff objected to the magistrate judge's denial of a sixth extension of time to oppose summary judgment, denial of reconsideration, and recommendation to grant summary judgment to the County on one medical-care claim. The district court overruled the objections, accepted the report and recommendation, granted the County summary judgment in part, and denied the motion in all other respects. The court also denied as untimely any motion for summary judgment plaintiff sought to file in opposition.

DISPOSITION

other

CASES CITED

- Franchise Holding II, LLC v. Huntington Restaurants Group, Inc., 375 F.3d 922, 927 (9th Cir. 2004)
- Sprague v. Financial Credit Network, Inc., 2018 WL 4616688, at *3 (E.D. Cal. Sept. 25, 2018)

OPINION

Dion Peralta Duran v. County of Riverside

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 11 DION PERALTA DURAN, Case No. 5:23-cv-00106-AB (JDE) 12 Plaintiff, ORDER
ACCEPTING REPORT AND

13 v. RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE

14 COUNTY OF RIVERSIDE, et al., 15 Defendants. 16 17 Pursuant to 28 U.S.C. § 636, the Court
has reviewed the pleadings, the 18 records on file, and the Report and Recommendation
("Report") of the United 19 States Magistrate Judge. Further, the Court has engaged in a de novo
review of 20 those portions of the Report to which objections have been made. 21 Plaintiff alleges
violations of his civil rights while he was in pretrial 22 detention. (Dkt. No. 70-1 at 6-7, 11.) The
Report recommends the grant of 23 summary judgment as to Plaintiff's Fourteenth Amendment
medical care claim 24 against the County only and the denial of summary judgment in all other
respects. 25 (Dkt. 164 at 3.) Plaintiff's objections to the Report (Dkt. No. 165) do not merit any 26
change to the Report's findings or recommendations. 27 Plaintiff objects to the Magistrate Judge's
denial of his motion for a sixth 28 extension of time to file an opposition to the Motion for
Summary Judgment. (Dkt.

1 No. 165 at 1-2.) The Magistrate Judge properly denied the motion for a sixth

2 extension. Plaintiff previously was granted five extensions; represented that the 3 fifth extension
would be the "last and final extension" (Dkt. No. 150 at 1); had 4 more than three months to

research and draft an opposition and have it reviewed by 5 another person; and waited until the day before the due date to request a sixth 6 extension. (Dkt. No. 153.) 7 Plaintiff objects to the Magistrate Judge's denial of reconsideration of the 8 denial of his motion for a sixth extension of time to file an opposition to the Motion 9 for Summary Judgment. (Dkt. No. 165 at 2-5.) The Magistrate Judge properly 10 denied reconsideration. Plaintiff failed to show a material change in the law, a 11 manifest failure to consider material facts presented previously, or new facts that 12 either arose after the entry of the Order denying the extension or that could not have 13 been presented previously. (Dkt. No. 160 at 2.) Although Plaintiff further objects 14 that he should have been allowed to file a late opposition "due to inadvertence and 15 excusable neglect" (Dkt. No. 165 at 4), he failed to show such relief was warranted. 16 Because Plaintiff failed to show good cause for a sixth extension of time, he also 17 failed to show inadvertence or excusable neglect as a basis to file an untimely 18 opposition. See *Franchise Holding II, LLC v. Huntington Restaurants Group, Inc.*, 19 375 F.3d 922, 927 (9th Cir. 2004) ("Because 'good cause' is typically enough to 20 demonstrate 'excusable neglect,' no reason exists to analyze these criteria 21 separately.") (citation omitted); *Sprague v. Financial Credit Network, Inc.*, 2018 22 WL 4616688, at *3 (E.D. Cal. Sept. 25, 2018) (excusable neglect is not satisfied by 23 simple inadvertence or mistake of counsel or ignorance of the rules) (citing cases). 24 Plaintiff objects to the grant of summary judgment to the County on the basis 25 that he did not file an opposition. (Dkt. No. 165 at 5-8.) The Report, however, did 26 not recommend granting summary judgment to the County on this basis. 27 Plaintiff objects to the grant of summary judgment to the County on the basis 28 that he had failed to show a genuine issue of material fact that must be resolved at 1 trial. (Dkt. No. 165 at 9-15.) Summary judgment on this claim was proper because 2 || the undisputed facts failed to show a constitutional violation. Plaintiff received a 3 || medical screening when he was booked into custody, was regularly seen by medical 4 || staff, and was promptly transferred to a hospital for treatment when Plaintiff 5 || reported symptoms of ulcerative colitis in August 2018. (Dkt. No. 164 at 12; see 6 || also Dkt. No. 136-2 at 83, 100-16, 367-72.) The record contains no evidence to 7 || support Plaintiff's claim that he submitted multiple requests and complaints related 8 || to ulcerative colitis before August 2018. (Dkt. No. 164 at 13.) Plaintiff offered no 9 || evidence that he alerted County personnel that he suffered from ulcerative colitis 10 || prior to August 2018. (Ud. at 14.) 11 It is ordered that (1) the Report and Recommendation is approved and 12 || accepted; (2) Defendant's Motion (Dkt. No. 129) is granted in part, so that 13 || Plaintiff's Fourth Amendment medical care claim against the County is dismissed 14 || with prejudice, and the Motion is denied in all other respects; and (3) to the extent 15 || Plaintiff sought to file a motion for summary judgment in opposing the Motion, 16 || such motion was untimely by more than three and a half months under the operative 17 || scheduling order and is properly denied on that basis. 18 19 ||

DATED: July 11, 2025 21

UNITED STATES DISTRICT JUDGE

23 24 25 26 27 28

