

**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

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**OPINION**

Dion Peralta Duran v. County of Riverside

PER CURIAM.

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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

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