

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rosner v. Wellpath

No. 1:24-cv-01145-KES-SAB (PC), United States District Court for the Eastern District of California (April 10, 2025)

SUMMARY

The United States District Court for the Eastern District of California grants Jessie Rosner’s fourth motion for an extension of time to file an amended complaint in a pro se civil rights action. The court grants one final 30-day extension, directs that a copy of the screening order be provided as a one-time exception, and warns that failure to comply will result in submission of the prior dismissal recommendation without further notice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 10, 2025
DOCKET	1:24-cv-01145-KES-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding pro se and in forma pauperis under 42 U.S.C. § 1983, moved for a fourth extension of time to file an amended complaint after the court screened the complaint, found no cognizable claim, and issued findings and recommendations recommending dismissal.
STANDARD OF REVIEW	The court exercised discretion in applying the excusable-neglect factors under Federal Rule of Civil Procedure 6(b) and Pioneer Investment Services Co. v. Brunswick Associates Limited Partnership.
PRECEDENTIAL VALUE	unpublished district-court order; generally nonprecedential

TOPICS

- motion to amend
- pleadings
- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff showed excusable neglect sufficient to warrant an extension of the expired deadline to file an amended complaint under Federal Rule of Civil Procedure 6(b).
2. Whether the court should grant one final extension despite Plaintiff's repeated failure to comply with court orders.

HOLDINGS

1. Plaintiff did not establish excusable neglect because his one-sentence motion provided no adequate explanation for the delay and he had repeatedly failed to timely seek extensions or file an amended complaint.
2. The court granted one final thirty-day extension as an equitable exception because no defendant had appeared and therefore no prejudice was shown, while warning that no further extension would be granted.

KEY QUOTATIONS

“Nonetheless, because no Defendant has appeared there is no prejudice and only a thirty day extension is sought, the Court will grant Plaintiff one last extension of time to file an amended complaint and make a one-time exception to send him a copy of the Court’s October 31, 2024, screening order.” (at 3)

FACTUAL BACKGROUND

Plaintiff filed a § 1983 complaint that the court determined did not state a cognizable claim. Despite repeated opportunities and warnings, Plaintiff did not timely file an amended complaint or respond to orders to show cause. Plaintiff then sought a fourth extension and a copy of the screening order, asserting only that he needed an additional thirty days.

PROCEDURAL HISTORY

Plaintiff filed the complaint on September 26, 2024. The court screened it on October 31, 2024, found that it failed to state a cognizable claim, and allowed thirty days to amend. After Plaintiff repeatedly failed to file an amended complaint or respond to orders to show cause, the court issued findings and recommendations on April 1, 2025, recommending dismissal for failure to prosecute, failure to comply with a court order, and failure to state a cognizable claim. The court granted Plaintiff’s fourth extension motion, allowed one final thirty-day period to amend, and warned that noncompliance would result in submission of the dismissal recommendation without further notice.

DISPOSITION

other

CASES CITED

- Pioneer Inv. Serv. Co. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 395 (1993)
- Briones v. Riviera Hotel & Casino, 116 F.3d 379, 381 (9th Cir. 1997)
- Pincay v. Andrews, 389 F.3d 853, 860 (9th Cir. 2004)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-california-united-states-district-court-for/2025/rosner-v-wellpath-c4pnwvxc>