

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Richard J. Crane v. Rodriguez, et al.

Crane v. Rodriguez · No. 2:15-cv-0208 TLN CSK P · Decided December 10, 2025

SUMMARY

The court denied plaintiff Richard J. Crane’s motion for partial summary judgment as untimely. Applying Federal Rule of Civil Procedure 56 and the scheduling order, the court held that the motion was years past the May 21, 2021 deadline and found no good cause to modify that deadline.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 10, 2025
DOCKET	2:15-cv-0208 TLN CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se, moved for partial summary judgment under Federal Rule of Civil Procedure 56(a). The district court denied the motion as untimely and relieved defendants of any obligation to respond.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court order

TOPICS

summary judgment civil procedure

PRACTICE AREAS

civil procedure civil rights

QUESTIONS PRESENTED

- Whether plaintiff's motion for partial summary judgment, filed years after the court-ordered deadline, should be considered under Federal Rule of Civil Procedure 56(b).

HOLDINGS

1. A motion for summary judgment filed years after the court-ordered deadline is untimely when the court has set a specific deadline under Rule 56(b), has not consented to modification of the scheduling order, and the movant has not shown good cause.

KEY QUOTATIONS

“Rule 56(b) sets forth the timing of motions for summary judgment under Rule 56(a): “Unless a different time is set by local rule or the court orders otherwise, a party may file a motion for summary judgment at any time until 30 days after the close of all discovery.”” (at 1)

“Plaintiff’s motion for partial summary judgment is years overdue, and this Court does not find good cause and does not consent to further modification of the scheduling order.” (at 1)

FACTUAL BACKGROUND

This civil-rights action was filed in 2015 and proceeded through several scheduling orders, discovery extensions, and a stay. The court ultimately closed discovery and set May 21, 2021, as the deadline for pretrial motions, including summary-judgment motions. Plaintiff filed his partial-summary-judgment motion on December 1, 2025, more than four years after the deadline, without good cause for modifying the scheduling order.

PROCEDURAL HISTORY

The court set May 21, 2021, as the deadline for pretrial motions, including motions for summary judgment. Plaintiff did not move for summary judgment by that deadline, and filed the motion for partial summary judgment on December 1, 2025, after discovery and law and motion had closed and while the case was being prepared for jury trial.

DISPOSITION

other

CASES CITED

- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 RICHARD J. CRANE, No. 2:15-cv-0208 TLN CSK P 12 Plaintiff, 13 v.
ORDER 14 RODRIGUEZ, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner proceeding pro
se.

On December 1, 2025, plaintiff filed a 18 motion styled, “Plaintiff’s Motion for Partial Summary
Judgment,” citing Rule 56(a) of the 19 Federal Rules of Civil Procedure. (ECF No. 382.)
Plaintiff’s motion is denied because it is 20 untimely. 21 I. FEDERAL RULE OF CIVIL
PROCEDURE 56 22 Rule 56(a) provides: “A party may move for summary judgment, identifying

each claim 23 or defense--or the part of each claim or defense--on which summary judgment is sought.

The 24 court shall grant summary judgment if the movant shows that there is no genuine dispute as to 25 any material fact and the movant is entitled to judgment as a matter of law. The court should 26 state on the record the reasons for granting or denying the motion.” Fed. R. Civ. P. 56(a). Rule 27 56(b) sets forth the timing of motions for summary judgment under Rule 56(a): “Unless a 28 different time is set by local rule or the court orders otherwise, a party may file a motion for 1 summary judgment at any time until 30 days after the close of all discovery.” Fed.

R. Civ. P. 2 56(b). 3 II. BACKGROUND 4 This action was filed on January 26, 2015. (ECF No. 1.) The court’s initial scheduling 5 order issued on November 18, 2016. (ECF No. 82.) The court’s discovery and scheduling order 6 was vacated on February 15, 2017. (ECF No. 104.)

On December 6, 2018, the stay of this action 7 was lifted, and the court set a discovery deadline for March 22, 2019, and the deadline for filing 8 pretrial motions, including motions for summary judgment, was set for March 22, 2019. (ECF 9 No. 180.)

On April 18, 2019, discovery was reopened for a limited purpose, and the pretrial 10 motions deadline was continued to September 24, 2019. (ECF No. 189.) On December 7, 2020, 11 the court ordered that discovery was closed, and the pretrial motions deadline was extended to 12 May 21, 2021. (ECF No. 225.)

On May 7, 2021, defendants Barton, Davey, Probst, Robinette, 13 Rodriguez filed a motion for summary judgment. (ECF No. 236.) On May 21, 2021, defendant 14 Weeks filed a motion for summary judgment. (ECF No. 240.) Plaintiff did not file a motion for 15 summary judgment on or before the May 21, 2021 pretrial motions deadline. 16 On March 28, 2023, the group defendants’ motion for summary judgment was partially 17 granted, and defendant Weeks’ motion for summary judgment was denied.

(ECF No. 331.) 18 On March 5, 2024, this Court ordered that discovery and law and motion were closed, and 19 directed the parties to file pretrial statements. (ECF No. 348 at 5.) On May 9, 2024, the further 20 scheduling order was modified to extend the deadlines for filing pretrial statements, but the 21 March 5, 2024 scheduling order remained in effect. (ECF No. 351 at 2.)

22 III. DISCUSSION 23 Here, as provided in Rule 56(b), the Court set a specific deadline for the filing of pretrial 24 motions, which included motions for summary judgment. (ECF No. 225.) Thus, plaintiff’s 25 motion for summary judgment or partial summary judgment was due on or before May 21, 2021. 26 (ECF No. 225.) Plaintiff’s motion for partial summary judgment is years overdue, and this Court 27 does not find good cause and does not consent to further modification of the scheduling order.

28 Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992). Indeed, the Court is
1 | preparing this case for jury trial before the district court, and is awaiting plaintiffs motion for 2
|| reconsideration of August 19, 2025 order concerning witnesses for trial (ECF No. 368).

As 3 || plaintiff was informed in the last order granting plaintiff one final extension of time to file
his 4 || motion for reconsideration, no further extension of time will be granted.! (ECF No. 381.) 5
Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for partial summary 6 || judgment
(ECF No. 382) is denied as untimely. Defendants are relieved of their obligation to 7 || respond to
plaintiff's motion (ECF No. 382).

8 9 | Dated: December 9, 2025 eq - S\$. CHI SOO KIM M UNITED STATES MAGISTRATE
JUDGE 12 13 /l/cran0208.msgj.unt 14 15 16 17 18 19 20 21 22 23 24 | —____ ' In the past,
defendants have moved to impose terminating sanctions on plaintiff. (ECF No. 25 255.)

The court did not grant terminating sanctions, but did recount the multiple admonitions the 26 ||
Court previously gave plaintiff. (ECF No. 266 at 3-4.) On November 12, 2021, plaintiff was
sanctioned for filing a baseless motion and prohibited from filing any motion or request not 27 ||
related to the pending motions for summary judgment until the court ruled on the pending motions
for summary judgment.

(ECF No. 266.) Plaintiff is cautioned that further delays will not 28 | be tolerated.