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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Erick Somoza-Vega,

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Plaintiff,

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vs.

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CO II Larry Brown, et al.,

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Defendants.

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) No. CV-12-1618-PHX-SRB (LOA)

) **ORDER**

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This matter arises on another Stipulation to extend the case management’s deadlines which the Court deems to be a joint motion to extend the Rule 16 case management deadlines. (Doc. 28) On July 3, 2013, the Court reluctantly extended most of the case management deadlines, in which “counsel [were] forewarned there will not be any further extensions of the case management deadlines in this case. These deadlines are **real, firm,** and, consistent with the Civil Justice Reform Act of 1990, 28 U.S.C. § 471 *et seq.*, **will not be altered.** Thus, counsel must plan their litigation activities accordingly. *See Hostnut.Com, Inc.v. Go Daddy Software, Inc.*, 2006 WL 2573201, at \*1 (D. Ariz. Sept. 6, 2006).” (Doc. 25 at 3) The motion fails to explain why another modification is necessary, and, more importantly, why the recently-modified pretrial schedule “[c]annot reasonably be met despite diligence of the party seeking the extension.” *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608 (9th Cir. 1992). Clearly, one or both counsel have failed to heed the Ninth Circuit’s directive that the deadlines of “Federal Rule of Civil Procedure 16 [are] to be taken seriously.” *Janicki Logging Co. v. Mateer*, 42 F.3d 561, 566 (9th Cir. 1994)

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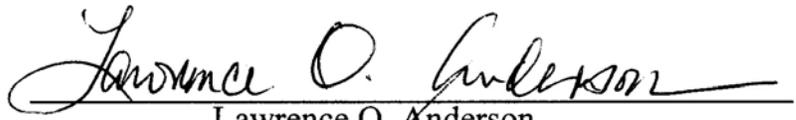
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The Court will not repeat here the background and case law already detailed in its July 3, 2013 Order, except to note the motion fails to establish the requisite good cause for extending the current Rule 16 deadlines. The case management deadlines have been twice modified. (Docs. 15, 25) There will not be another.

Having failed to demonstrate good cause,

**IT IS ORDERED** that the parties' stipulated motion to extend the Rule 16 discovery and dispositive motion deadlines, doc. 28, is **DENIED**. Plaintiff must prosecute his case or this action may be dismissed for lack of prosecution pursuant to Rule 41(b), Fed.R.Civ.P.

Dated this 9th day of August, 2013.

  
Lawrence O. Anderson  
United States Magistrate Judge