

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CLARENCE HOWARD,
Plaintiff,

v.

GRADTILLO, et al.,
Defendants.

CASE NO. 1:05-cv-00906-AWI-GBC (PC)

ORDER GRANTING MOTION TO AMEND
DISCOVERY AND SCHEDULING ORDER

Discovery Cut-Off Date - 03/16/2012
Dispositive Motion Deadline - 05/16/2012

Doc. 70

_____ /

Plaintiff Clarence Howard (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s amended complaint, filed June 22, 2009, against Defendants Bennett, Avila and Jones (“Defendants”) for excessive force on April 3, 2003, in violation of the Eighth Amendment. Doc. 22; Doc. 27. On November 4, 2011, the Court granted Defendants’ motion to amend the discovery and scheduling order originally filed on March 31, 2011. Doc. 64. On December 27, 2011, Plaintiff filed a motion to extend discovery deadlines because prison officials confiscated his legal documents making him unable to pursue discovery. Doc. 70.

Since good cause has been shown, the Court grants Plaintiff’s motion to amend the discovery and scheduling order and will extend the deadlines to file dispositive motions. Doc. 70.

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The scheduling order is now amended as follows:

1. The parties are advised that the deadline for the completion of all discovery, including filing motions to compel, shall be 03/16/2012;
2. The deadline for filing pre-trial dispositive motions shall be 05/16/2012;¹
3. **A request for an extension of a deadline set in this order must be filed on or before the expiration of the deadline in question; and**
4. **Extensions of time will only be granted on a showing of good cause.**

IT IS SO ORDERED.

Dated: January 3, 2012


UNITED STATES MAGISTRATE JUDGE

¹ The pre-trial dispositive motion deadline does not apply to the filing of unenumerated Rule 12(b) motions to dismiss for failure to exhaust. Unenumerated Rule 12(b) motions for failure to exhaust must be filed on or before the deadline separately set forth in the original scheduling order.