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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DONALD J. ACKLEY,

Plaintiff,

v.

D. CARROLL, et al.,

Defendants.

CASE NO. 1:06-cv-00771-AWI-SMS PC

ORDER GRANTING DEFENDANT’S MOTION TO AMEND THE SCHEDULING ORDER AND VACATING DATES FOR TELEPHONIC TRIAL CONFIRMATION HEARING AND TRIAL

(ECF No. 60)

AMENDED SECOND SCHEDULING ORDER

Telephonic Trial Confirmation

Hearing: March 19, 2012, at 3:00 p.m. in Courtroom 2 (AWI)

Jury Trial: May 1, 2012, at 8:30 a.m. in Courtroom 2 (AWI)

_____/

Plaintiff Donald J. Ackley (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On August 17, 2011, Defendants filed a motion to amend the scheduling order. (ECF No. 60.)

Modification of a scheduling order requires a showing of good cause, Fed. R. Civ. P. 16(b), and good cause requires a showing of due diligence, Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992). Defendants move to amend the scheduling order because defense counsel has a scheduling conflict with the current trial date. The Court finds good cause and will grant Defendants’ request.

Good cause having been shown the amended scheduling order filed on July 15, 2011, is
HEREBY AMENDED as follows:

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1. The telephonic trial confirmation scheduled for December 5, 2011, and the trial set for January 24, 2012, are VACATED;
2. This matter is set for telephonic trial confirmation hearing before the Honorable Anthony W. Ishii on **March 19, 2012, at 3:00 p.m.** in Courtroom 2;
3. This matter is set for jury trial before the Honorable Anthony W. Ishii on **May 1, 2012, at 8:30 a.m.** in Courtroom 2;
4. Counsel for Defendants is required to arrange for the participation of Plaintiff in the telephonic trial confirmation hearing and to initiate the telephonic hearing at **(559) 499-5669**; and
5. All other established deadlines in this action shall remain unchanged.

IT IS SO ORDERED.

Dated: August 29, 2011

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE