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6	UNITED ST	ATES DISTRICT COURT
7	EASTERN DISTRICT OF CALIFORNIA	
8	EASTERN	DISTRICT OF CALIFORNIA
9	RUSSELL MARTIN,	CASE NO. 1:06-cv-00906-BAM PC
10	Plaintiff,	ORDER GRANTING DEFENDANT'S MOTION
11	v.	TO AMEND THE DISCOVERY AND SCHEDULING ORDER
12	BRYANT, et al.,	(ECF No. 70)
13	Defendants.	Amended Dispositive Motion Deadline: February 24, 2012
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Plaintiff Russell Martin ("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 October 24, 2011, a discovery and scheduling order issued opening discovery and setting January 20, 2012, as the dispositive motion deadline for this action. On January 10, 2012, Defendant Bryant filed a motion requesting modification of the scheduling order to extend the dispositive motion deadline.

A court may modify a scheduling order for good cause. Fed.R.Civ.P 16(b)(4). This good
cause standard "primarily considers the diligence of the party seeking the amendment."Johnson v.
<u>Mammoth Recreations, Inc.</u>, 975 F.2d 604, 609 (9th Cir. 1992). To establish good cause, the party
seeking the modification of a scheduling order must generally show that even with the exercise of
due diligence, they cannot meet the requirement of the order. <u>Id.</u>

Defendant seeks an extension of the dispositive motion deadline to February 24, 2012.
Defendant requests an extension because Plaintiff's deposition transcript has been forwarded to him
for review. The deposition testimony will be used to support Defendant's motion for summary
judgment and the transcript will not be available prior to the current deadline.

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1	The Court finds that good cause has been presented by Defendant to modify the scheduling	
2	order. Therefore, IT IS HEREBY ORDERED that:	
3	1. Defendant's motion to modify the court's scheduling order, filed January 10, 2012,	
4	is GRANTED; and	
5	2. The deadline for all parties to this action to file pretrial dispositive motions is	
6	extended to February 24, 2012.	
7	IT IS SO ORDERED.	
8	Dated:January 11, 2012/s/ Barbara A. McAuliffeUNITED STATES MAGISTRATE JUDGE	
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