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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GARY ANDRE LACY,	)	1:07-cv-00381-LJO-GSA-PC
	)	
Plaintiff,	)	ORDER GRANTING MOTION TO
	)	MODIFY SCHEDULING ORDER
vs.	)	
	)	(Doc. 114.)
H. TYSON, et al.,	)	
	)	<b>New Dispositive Motions Deadline - <u>06-18-2012</u></b>
	)	
Defendants.	)	

Gary Andre Lacy ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. This action now proceeds on the Second Amended Complaint, filed on April 28, 2009, against defendants Correctional Officers R. Reyna, T. Reyna, and N. Correa; Correctional Sergeants J. Peacock, M. Bremnar, and M. Brookwalter; Captain H. Tyson; Medical Technician Assistant (MTA) Aspetitia; and Doctor I. Patel; on Plaintiff's claims for excessive force, retaliation, and deliberate indifference to serious medical needs.<sup>1</sup>

On May 7, 2012, Defendants filed a motion to modify the scheduling order to extend the deadline for filing pretrial dispositive motions from May 16, 2012 to June 18, 2012. (Doc. 114.)

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<sup>1</sup>Defendants Dill and Heanacho were dismissed by the Court on August 27, 2009. (Doc. 17.) Plaintiff's claims for equal protection, and for retaliation against defendant Dill, were also dismissed by the Court, for failure to state a claim. *Id.*

1 A court may modify a scheduling order for good cause. Fed. R. Civ. P 16(b)(4). This good  
2 cause standard “primarily considers the diligence of the party seeking the amendment.” Johnson, 975  
3 F.2d at 609. To establish good cause, the party seeking the modification of a scheduling order must  
4 generally show that even with the exercise of due diligence, they cannot meet the requirement of the  
5 order. Id.

6 Defendants request an extension of the deadline because, despite their diligence, they have been  
7 unable to complete their dispositive motion and supporting documents. (Declaration of Gregory Gomez,  
8 Doc. 114 at 4.) Defendants describe their efforts in reviewing the case file, researching the legal issues,  
9 interviewing witnesses, and preparing declarations in support of their dispositive motion, while  
10 managing a busy caseload. (Id.)

11 The court finds that good cause has been presented by Defendants to modify the scheduling  
12 order. Therefore, IT IS HEREBY ORDERED that:

- 13 1. Defendants’ motion to modify the court’s scheduling order of September 7, 2011, which  
14 was also modified on December 8, 2011, is GRANTED;
- 15 2. The deadline for all parties to this action to file pretrial dispositive motions is extended  
16 from May 16, 2012 to **June 18, 2012**; and
- 17 3. All other provisions of the court’s scheduling order of September 7, 2011, remain the  
18 same.

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20 IT IS SO ORDERED.

21 **Dated: May 8, 2012**

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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