

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

DANIEL R. PEREZ,

Plaintiff,

v.

KEN CLARK, et al.,

Defendants.

CASE NO. 1:08-cv-00466-OWW-SMS PC

ORDER GRANTING IN PART PLAINTIFF'S
MOTION TO MODIFY THE SCHEDULING
ORDER

(Doc. 38.)

Amended Discovery Deadline-06/13/2010
Amended Dispositive Motion Deadline-09/24/2010

Plaintiff Daniel R. Perez ("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 February 26, 2010, Plaintiff filed a motion for postponement of the scheduling order deadlines based on his being transferred to Kern Valley State Prison, on December 24, 2009, and not having received his personal property as of the date the motion was filed. (Doc. 38.) Defendants did not file an opposition. Plaintiff requests that all remaining deadlines be extended five to six months. Plaintiff has previously received a thirty day extension of the discovery deadline, and does not state why he feels an extension of five to six months length is required. The Court understands that inmates have difficulty obtaining their personal property after being transferred. However, since approximately two and a half months have already passed since Plaintiff's transfer, it does not appear that a five or six month extension is called for at this time. Thus, the Court finds that Plaintiff has shown good cause for an few month extension of the discovery deadline and dispositive motion deadline, but not for a five to six month extension. Fed. R. Civ. P. 16(b).

1 Accordingly, good cause having been shown, it is HEREBY ORDERED that Plaintiff's
2 motion to modify the scheduling order filed on February 26, 2010 be granted in part and that the
3 discovery and scheduling order be amended as follows:

- 4 1. The parties are advised that the deadline for the completion of all discovery,
5 including filing motions to compel, shall be 06/13/2010 ;
- 6 2. The deadline for filing pre-trial dispositive motions shall be 09/24/2010;
- 7 3. A request for an extension of a deadline set in this order must be filed on or before
8 the expiration of the deadline in question; and
- 9 4. Further extensions of time will only be granted on a showing of good cause.

10
11
12
13 IT IS SO ORDERED.

14 **Dated: March 28, 2010**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE