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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LATWAHN McELROY,

1:08-cv-01221-LJO-GSA-PC

Plaintiff,

ORDER DENYING DEFENDANTS’
REQUEST TO RESET THE TRIAL DATE,
WITHOUT PREJUDICE TO RENEW WITHIN
THREE COURT DAYS
(Doc. 147.)

v.

ROY COX, et al.,

Defendants.

I. BACKGROUND

This case is scheduled for jury trial to commence on June 19, 2012 at 8:30 a.m. before the undersigned. On June 7, 2012, Defendants filed a request to reset the trial date, fewer than two weeks before the trial. (Doc. 147.)

II. REQUEST TO RESET TRIAL

Modification of a scheduling order requires a showing of good cause and the judge’s consent. Fed. R. Civ. P. 16(b). This good cause standard “primarily considers the diligence of the party seeking the amendment.” Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992).

Defendants request that the June 19, 2012 trial date in this action be reset due to Defendant Diaz’s vacation plans which conflict with the date of trial. On June 6, 2012, defense counsel

