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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

VIRGIL E. HOLT,

Plaintiff,

v.

R. NICHOLAS, et al.,

Defendants.

CASE NO. 1:09-cv-00800-AWI-GBC (PC)

ORDER GRANTING SECOND MOTION TO  
EXTEND TIME TO RESPOND TO  
PLAINTIFF’S DISCOVERY REQUESTS

ORDER GRANTING MOTION TO AMEND  
DISCOVERY AND SCHEDULING ORDER

Discovery Cut-Off Date - 03/20/2012  
Dispositive Motion Deadline - 04/17/2012

\_\_\_\_\_/ (Doc. 58)

**I. Factual and Procedural Background**

Plaintiff Virgil E. Holt, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 4, 2009. Doc. 1. This action is proceeding on Plaintiff’s second amended complaint filed on April 8, 2010, against: 1) Defendants R. Nicholas, A. Holguin, J. Ortega, L. Machado, J. Juden, G. Adame, F. Rivera, R. Valverde, D. Coontz, M. Bubbel, K. Prior, J. Tyree, Large, Soto, Yubeta, Worrell, Vo, Knight, T. Crouch, Pinkerton, and Valasco for violation of the Eighth Amendment; 2) Defendant Holguin for retaliation in violation of the First Amendment and 3) Defendants Carrasco and D. Zanchi for supervisory liability. Doc. 21; Doc. 23, Doc. 28.<sup>1</sup>

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<sup>1</sup> Defendants Hopkins, Eubanks, Nipper Stevenson and Lundy were dismissed pursuant to the order filed September 3, 2010, adopting the Court’s findings and recommendations. Doc. 28. Defendant “Crouch” was dismissed regarding counts 12, 14, 15 for due process and retaliation, however, the Court found a cognizable Eighth Amendment Claim Defendant “T. Crouch.” Doc. 23 at 3, 8; Doc. 28.

1 On January 26, 2011, the Court issued a discovery and scheduling order which set the  
2 discovery deadline at September 26, 2011 and dispositive motion deadline at December 6, 2011.  
3 Doc. 37. On December, 2011, Defendants filed a motion for a second extension of time to respond  
4 to Plaintiff's discovery requests and motioned to modify the discovery and scheduling order. Doc.  
5 58. Defendants request a sixty day extension to prepare and serve sixty-nine responses to Plaintiff's  
6 discovery requests and to allow an additional sixty days to the dispositive motion deadline. The  
7 Court grants Defendants' motions for extension and amendment of the scheduling order. Doc. 58.  
8 As Plaintiff will need time to review any discovery provided by Defendants, the Court will extend  
9 the deadlines as follows:

- 10 1. Defendants motion for extension to respond to Plaintiff's discovery requests is  
11 GRANTED and Defendants have SIXTY (60) days from service of this order to  
12 respond to Plaintiff's discovery requests.
- 13 2. The parties are advised that the deadline for the completion of all discovery,  
14 including filing motions to compel, shall be 03/20/2012;
- 15 3. The deadline for filing pre-trial dispositive motions shall be 04/17/2012;<sup>2</sup>
- 16 3. **A request for an extension of a deadline set in this order must be filed on or**  
17 **before the expiration of the deadline in question; and**
- 18 4. **Extensions of time will only be granted on a showing of good cause.**

19  
20 IT IS SO ORDERED.

21 Dated: December 6, 2011

  
22 UNITED STATES MAGISTRATE JUDGE

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27 <sup>2</sup> The pre-trial dispositive motion deadline does not apply to the filing of unenumerated Rule 12(b) motions  
28 to dismiss for failure to exhaust. Unenumerated Rule 12(b) motions for failure to exhaust must be filed on or before  
the deadline separately set forth in the previous scheduling order.