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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KEITH ZAVALA,

Plaintiff,

v.

CHRIS CHRONES, et al.,

Defendants.

CASE NO. 1:09-CV-01352-DLB PC

ORDER GRANTING DEFENDANTS’
MOTION TO MODIFY SCHEDULING
ORDER (DOC. 68)

Dispositive Motion Deadline: March 15, 2012

_____ /

Plaintiff Keith Zavala (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants S. Chandler, Chris Chrones, S. Kays, C. Martin, D. Smith, and Soto. Pending before the Court is Defendants’ motion to modify the September 14, 2010 Scheduling Order, filed June 30, 2011. Doc. 68. The matter is submitted pursuant to Local Rule 230(I).

The decision to modify a scheduling order is within the broad discretion of the district court. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992) (quoting *Miller v. Safeco Title Ins. Co.*, 758 F.2d 364, 369 (9th Cir. 1985)). Pursuant to Federal Rule of Civil Procedure 16, a pretrial scheduling order “shall not be modified except upon a showing of good cause,” and leave of court. Fed. R. Civ. P. 16(b)(4); *Zivkovic v. S. Cal. Edison Co.*, 302 F.3d 1080, 1087-88 (9th Cir. 2002). Although “the existence or degree of prejudice to the party opposing the modification might supply additional reasons to deny a motion, the focus of the inquiry is upon the moving party’s reasons for seeking modification.” *Johnson*, 975 F.2d at 609.

1 On September 13, 2010, Defendant C. Martin filed an answer to Plaintiff's complaint.
2 The Court issued a discovery and scheduling order on September 14, 2010. Defendant Soto filed
3 an answer on October 13, 2010. The Court ordered Defendant Soto to comply with the
4 September 14, 2010 Scheduling Order. The dispositive motion deadline for Defendants Martin
5 and Soto is currently July 25, 2011.

6 On May 4, 2011, Defendants Chandler, Chrones, Kays, and Smith filed their answer. The
7 Court then issued a second discovery and scheduling order on May 5, 2011, which applied to
8 those Defendants only. Defendants Chandler, Chrones, Kays, and Smith have a dispositive
9 motion deadline of March 15, 2012. Discovery has also just opened regarding these Defendants.

10 Defendants request that Defendants Martin and Soto be placed on the same schedule as
11 the other Defendants. Defendants contend that it is more judicially efficient to place all
12 Defendants on the same dispositive motion deadline. The Court agrees. Judicial economy
13 supports a modification as to the dispositive motion deadline for Defendants Martin and Soto.

14 Accordingly, it is HEREBY ORDERED that Defendants' motion, filed June 30, 2011, is
15 GRANTED as stated herein. The dispositive motion deadline for all Defendants is March 15,
16 2012.

17 IT IS SO ORDERED.

18 **Dated: July 15, 2011**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE