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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KEVIN E. FIELDS,

Plaintiff,

v.

MAURICE JUNIOUS, et al.,

Defendants.

CASE NO. 1:09-CV-01771-AWI-DLB PC

ORDER GRANTING DEFENDANTS’
MOTION FOR MODIFICATION OF
SCHEDULE

(DOC. 45)

Dispositive Motion Deadline: November 18,
2011

Plaintiff Kevin E. Fields (“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 on Plaintiff’s complaint, filed October 8, 2009, against Defendants K. Foley, D. B. Hernandez, R. Magvas, S. Marsh, L. Molina, and J. Tucker for violation of the Eighth Amendment. Pending before the Court is Defendants’ motion to modify the schedule, filed September 16, 2011. Doc. 45. The matter is submitted pursuant to Local Rule 230(1).

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

1 inquiry is upon the moving party's reasons for seeking modification." *Johnson*, 975 F.2d at 609.

2 Defendants seek a modification of the dispositive motion deadline from September 16,
3 2011 to November 18, 2011. Defendants request additional time to complete document analysis
4 of several records at Corcoran State Prison pertaining to Plaintiff's claim. Good cause appearing,
5 it is HEREBY ORDERED that Defendants' motion for modification of the schedule, filed
6 September 16, 2011, is granted. The dispositive motion deadline is November 18, 2011.

7 IT IS SO ORDERED.

8 **Dated: November 9, 2011**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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