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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

| | | |
|-------------------|---|---------------------------------|
| BILAL AHDOM, |) | 1:09-cv-01874-AWI-BAM (PC) |
| |) | |
| Plaintiff, |) | ORDER GRANTING DEFENDANT’S |
| |) | MOTION TO MODIFY THE SCHEDULING |
| v. |) | ORDER |
| |) | |
| S. LOPEZ, et al., |) | (ECF No. 176) |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |
| |) | |

Plaintiff Bilal Ahdom (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s claims against Defendants Schaefer, Araich, Chen, Shittu, and Ashby for Eighth Amendment deliberate indifference to serious medical needs.

On April 20, 2016, the Court ordered Plaintiff to respond to certain pending discovery-related motions, as his responses were overdue. (ECF No. 175). Under that order, Plaintiff’s responses to those motions is due on or before May 23, 2016. Under this Court’s amended discovery and scheduling order (ECF No. 163), the dispositive motion deadline is currently set for June 3, 2016, eleven (11) days after Plaintiff’s responses to the discovery motions are due.

Currently before the Court is Defendants’ Araich, Chen and Shittu’s motion to modify the scheduling order, (ECF No. 176), as joined by Defendant Schaefer, (ECF No. 177). Plaintiff

1 has not responded to the motion, but the Court finds no response is necessary, and that Plaintiff
2 will not be prejudiced by the consideration of this motion. Local Rule 230(1).

3 The moving Defendants seek an extension of the dispositive motion deadline until forty-
4 five (45) days after the Court has ruled on the pending discovery motions. (ECF No. 176-1).
5 They argue that they have not been able to fully investigate Plaintiff's claims because he has not
6 provided full responses to their discovery requests. Should any part of their motions be granted,
7 they argue, Plaintiff's responses could provide critical evidence for use in summary judgment.
8 Defendants' motions, (ECF Nos, 170, 171, 172, 173), and various declarations of counsel in
9 support, show that Plaintiff has in fact entirely refused to answer various written discovery
10 requests and oral questions at a deposition, on Fifth Amendment and other grounds.

11 The moving Defendants have shown good cause for modify the scheduling order in this
12 matter. Fed. R. Civ. P. 16(b)(4). The allegedly unanswered discovery at issue in the Defendants'
13 motions to compel and motion to determine the sufficiency of answers and objections covers a
14 range of relevant issues to the claims and defenses in this case, including questions about
15 Plaintiff's medical history, treatments, and alleged injuries. Full and complete motions for
16 summary judgment cannot be prepared until these discovery disputes are resolved.

17 Accordingly, it is HEREBY ORDERED as follows:

18 1. Defendants Araich, Chen and Shittu's motion to modify the scheduling order,
19 (ECF No. 176), as joined by Defendant Schaefer, (ECF No. 177), is GRANTED;

20 2. The dispositive motion deadline of June 3, 2016 is VACATED; and,

21 3. Following rulings on the pending discovery-related motions, the Court will issue
22 an amended scheduling order extending the dispositive motion deadline until forty-five (45) days
23 after those motions are resolved. The extended deadline will apply to all parties in this matter.

24
25 IT IS SO ORDERED.

26 Dated: April 26, 2016

27 /s/ Barbara A. McAuliffe
28 UNITED STATES MAGISTRATE JUDGE