UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LARRY BURY,

Plaintiff,

v.

KEN CLARK, et al.,

Defendants.

/

CASE NO. 1:10-CV-00196-DLB PC

ORDER GRANTING PLAINTIFF'S MOTION TO MODIFY SCHEDULING ORDER

(DOC. 22)

Deadline To Amend Pleadings: January 30, 2012

Plaintiff Larry Bury ("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 February 8, 2010, against Defendants E. Williams and Moto for violation of the Eighth Amendment. Pending before the Court is Plaintiff's motion to modify the schedule, filed December 27, 2011. Doc. 22. The matter is submitted pursuant to Local Rule 230(l).

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.

Plaintiff has presented good cause to modify the schedule. Accordingly, it is HEREBY ORDERED that Plaintiff's motion to modify the scheduling order, filed December 27, 2011, is granted. The deadline to amend pleadings is January 30, 2012.

IT IS SO ORDERED.

Dated: January 23, 2012

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE