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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GARRISON S. JOHNSON,

Plaintiff,

v.

CATE, et al.,

Defendants.

Case No. 1:10-cv-02348-LJO-MJS (PC)

**ORDER GRANTING DEFENDANT'S
REQUEST TO EXTEND TIME
(ECF No. 73)**

AMENDED:
**Discovery Cut-Off Date: November 10,
2014**
**Dispositive Motion Deadline: January
20, 2015**

Plaintiff is a state prisoner proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. The action proceeds on an equal protection claim against Defendant Doran, Inmate Assignment Lieutenant at Kern Valley State Prison ("KVSP").

Before the Court is Defendant's motion to extend the current September 9, 2014 discovery cut-off date and the current September 16, 2014 deadline to respond to Plaintiff's June 16, 2014 summary judgment motion.

The Court has wide discretion to extend time, *Jenkins v. Commonwealth Land title Ins. Co.*, 95 F.3d 791, 795 (9th Cir. 1996), provided a party must demonstrate some justification for the issuance of the enlargement order. Fed. R. Civ. P. 6(b)(1); *Ginett v. Federal Express Corp.*, 166 F.3d 1213 at 5* (6th Cir. 1998).

1 Federal Rule of Civil Procedure 16(b)(4) allows the Court to modify its scheduling
2 order for good cause. The “good cause” standard focuses primarily on the diligence of the
3 party seeking the amendment. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609
4 (9th Cir. 1992). “[C]arelessness is not compatible with a finding of diligence and offers no
5 reason for a grant of relief.” *Id.* “Although the existence or degree of prejudice to the party
6 opposing the modification might supply additional reasons to deny a motion, the focus of
7 the inquiry is upon the moving party's reasons for seeking modification.” *Id.*

8 Here, Defendant has demonstrated good cause to extend the time to complete
9 discovery and file opposition to Plaintiff's motion for summary judgment. The Court also
10 finds good cause to extend the current November 20, 2014 dispositive motion deadline.

11 Accordingly, it is HEREBY ORDERED that Defendant's motion to extend time (ECF
12 No. 73) is GRANTED such that:

- 13 1. The Discovery and Scheduling Order (ECF No. 48) is modified to provide a
14 discovery cut-off date of November 10, 2014 and a dispositive motion deadline
15 of January 20, 2015, and
- 16 2. The deadline for Defendant to oppose Plaintiff's June 16, 2014 summary
17 judgment motion (ECF No. 64) is extended to and including December 2,
18 2014.

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20 IT IS SO ORDERED.

21 Dated: August 29, 2014

22 /s/ Michael J. Seng
23 UNITED STATES MAGISTRATE JUDGE
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