1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 1:10-cv-02349-AWI-JLT (PC) GEORGE E. JACOBS, IV, 11 ORDER GRANTING DEFENDANTS' Plaintiff. 12 MOTION AND MODIFYING THE DISCOVERY AND SCHEDULING ORDER v. 13 NUNC PRO TUNC A.C. QUINONES, et al., 14 (Doc. 70) Defendants. 15 Dispositive Motion Deadline: October 31, 2014 16 Plaintiff is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 17 1983. This action is proceeding on the First Amended Complaint for Plaintiff's Eighth 18 Amendment claims against Defendants Does #1-3, Pruitt, Magana, and Davis for deprivation of 19 basic necessities; against Defendants Cogdill, Scaiffe, Quinones and Davis for excessive force; 20 and against Defendants Bardonnex and Williams for depriving Plaintiff of yard time. (Docs. 11, 21 17, 19, 24.) 22 There have been numerous discovery disputes in this action which have resulted in 23 extensions for responding to discovery and issuance of two subpoenas duces tecum. Defendants 24 filed a motion to modify the discovery and scheduling order on July 7, 2014. (Doc. 70.) 25 Defendants were to serve their responses to Plaintiff's propounded discovery as delineated 26 in the order on Defendants' motion for protective order (Doc. 61) by June 30, 2014 which was 27

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1	recently extended to August 8, 2014 (Doc. 73). Plaintiff was given thirty days after service of
2	Defendants' responses to file a motion to compel further responses to deficient responses from
3	Defendants (Doc. 61), which is properly extended to September 7, 2014 (parallel to the extension
4	given to Defendants to serve their responses). These extensions surpass the current July 11, 2014
5	dispositive motion filing deadline, rendering modification appropriate.
6	Given the above extensions of discovery deadlines in this case, good cause exists to
7	extend the dispositive motion filing deadline. <sup>1</sup>
8	Accordingly, based on the foregoing, it is HEREBY ORDERED nunc pro tunc that the
9	Discovery and Scheduling order is modified in part as follows:
10	1. Defendants SHALL serve their responses to Plaintiff's propounded discovery as
11	delineated in the order granting in part Defendants' motion for protective order
12	which issued on May 16, 2014 (Doc. 61) on or before <b>August 8, 2014</b> ;
13	2. Plaintiff has 30 days from the date Defendants serve their discovery responses, on
14	or before <b>September 7, 2014</b> , to file a motion to compel if he has a legal basis on
15	which to conclude the responses are deficient;
16	3. Any dispositive motions SHALL be filed no later than <b>October 31, 2014</b> ;
17	4. A request for an extension of a deadline set in this order must be filed on or
18	before the expiration of the deadline in question; and
19	5. Extensions of time will only be granted on a showing of good cause.
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21	IT IS SO ORDERED.
22	Dated: July 26, 2014 /s/ Jennifer L. Thurston
23	UNITED STATES MAGISTRATE JUDGE
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<sup>&</sup>lt;sup>1</sup> The discovery and scheduling order is modified only as specifically delineated in this order. Nothing in this order should be construed to allow either side to propound additional discovery or raise any discovery disputes beyond those addressed in this order and the order which issued on May 16, 2014 (Doc. 61).