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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY HOWARD, Case No. 1:11-cv-00101-AWI-SKO PC
Plaintiff, ORDER DISREGARDING STATUS
REPORT AND DENYING MOTION
v. (Doc. 58)
D. L. DeAZEVEDO, et al.,
Defendants.

Plaintiff Timothy Howard, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 20, 2011. On October 24, 2013, Plaintiff filed a document entitled “Rule 26 Joint Status Report and Pre Trial Motion.” Defendants did not file a response.

As an initial matter, the filing is neither a *joint* status report nor are the parties required to file one. Fed. R. Civ. P. 26(a)(1)(B)(iv), (f); Local Rule 240(b), (c)(8). Therefore, Plaintiff’s status report is disregarded.

To the extent that Plaintiff’s status report may be construed as a motion seeking a modification of the scheduling order to conduct further discovery, Plaintiff has not shown good cause and his request violates the scheduling order, which requires that a motion for modification

1 of a deadline be filed on or before the deadline in question.¹ Fed. R. Civ. P. 16(b)(4); *Zivkovic v.*
2 *Southern California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002); Doc. 30, Order, ¶¶10, 11.
3 While the Court recognizes that Plaintiff has made allegations regarding the hindrance to his
4 ability to litigate this case following his transfer to Pelican Bay State Prison, general assertions
5 such as those made do not suffice to demonstrate good cause to modify the scheduling order.

6 Accordingly, based on the foregoing, Plaintiff's status report is DISREGARDED and his
7 motion for modification of the scheduling order to conduct further discovery is DENIED.

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9 IT IS SO ORDERED.

10 Dated: November 25, 2013

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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28 ¹ In a separate order issued concurrently with this order, the Court granted in part and denied in part Plaintiff's motion to compel. Discovery remains open only as limited to resolution of the outstanding issues addressed in that order.