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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DENELL CAVER,

Plaintiff,

v.

E. GOMEZ, et al.,

Defendants.

Case No. 1:11-cv-01025-AWI-SKO (PC)

ORDER GRANTING MOTION TO MODIFY
SCHEDULING ORDER TO EXTEND
PRETRIAL DISPOSITIVE MOTION
DEADLINE

(Doc. 71)

Amended Pretrial Dispositive
Motion Deadline: 01/23/2015

Plaintiff Denell Caver, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 20, 2011. This action is proceeding on Plaintiff's second amended complaint, filed on April 10, 2012, against Defendants Gomez, Stark, and Garcia for acting with deliberate indifference to Plaintiff's safety, in violation of the Eighth Amendment of the United States Constitution.

Pursuant to the order filed on March 24, 2014, the pretrial dispositive motion deadline was September 15, 2014. (Doc. 62.) On September 5, 2014, Defendants filed a timely motion to modify the scheduling order to extend the deadline pending resolution of Plaintiff's motion to compel. (Doc. 71.) Plaintiff filed an opposition on September 15, 2014, and the motion was submitted upon the record without oral argument. Local Rule 230(l).

Plaintiff's objection to the extension is noted, but an extension causes no prejudice to him and the pendency of the parties' final discovery dispute provides good cause to extend the motion

1 deadline is as much as the disputed evidence may impact dispositive motions or the oppositions
2 thereto. Fed. R. Civ. P. 16(b)(4); *Hunt v. Cnty. of Orange*, 672 F.3d 606, 616 (9th Cir. 2012).
3 *Zivkovic v. Southern California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002). By separate
4 order, the Court granted Plaintiff's motion to compel and ordered Defendant Garcia to serve
5 response within twenty days. Accordingly, Defendants' motion to modify the scheduling order is
6 HEREBY GRANTED, and the pretrial dispositive motion deadline is extended to January 23,
7 2015.

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9 IT IS SO ORDERED.

10 Dated: November 20, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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