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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 JAMISI JERMAINE CALLOWAY,) Case No.: 1:11-cv-01090-LJO-SAB (PC)
12 Plaintiff,)
13 v.) ORDER DENYING PLAINTIFF’S MOTION TO
14 G. KELLEY, et al.,) AMEND SCHEDULING ORDER
15 Defendants.) [ECF No. 68]
16)

17 Plaintiff Jamisi Jermaine Calloway is appearing pro se and in forma pauperis in this civil rights
18 action pursuant to 42 U.S.C. § 1983.

19 Now pending before the Court is Plaintiff’s motion to amend the scheduling order to extend
20 the date to amend the pleadings, filed October 2, 2014. Although Defendants did not file an
21 opposition to Plaintiff’s request, it must be denied on the basis of lack of good cause.

22 Modification of the pretrial scheduling order requires a showing of good cause. Fed. R. Civ. P.
23 16(b)(4). “The schedule may be modified ‘if it cannot reasonably be met despite the diligence of the
24 party seeking the extension.’” Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th
25 Cir. 2002) (quoting Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992)). “If
26 the party seeking the modification ‘was not diligent, the inquiry should end’ and the motion to modify
27 should not be granted.” Id.
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1 On April 15, 2014, the Court issued an amended discovery and scheduling order, which set the
2 deadline to amend the pleadings as October 13, 2014.

3 In the instant motion, Plaintiff fails to demonstrate good cause to justify amendment of the
4 scheduling order to extend the date to amend the pleadings. The only basis provided by Plaintiff is
5 that discovery may lead to Defendants not yet known to Plaintiff. Such conclusory allegations are
6 insufficient, at this juncture, to warrant extension of the date to amend the pleadings.

7 Accordingly, Plaintiff's request to extend the deadline to amend the pleadings is DENIED.
8 IT IS SO ORDERED.

9 Dated: November 17, 2014


UNITED STATES MAGISTRATE JUDGE