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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TIMOTHY HOWARD,

Plaintiff,

vs.

C. GONZALES,

Defendant.

) 1:12cv00487 LJO DLB PC
)
) ORDER GRANTING DEFENDANT’S EX
) PARTE APPLICATION TO EXTEND THE
) DISPOSITIVE MOTION DEADLINE
)
) (Document 58)
)
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)

Plaintiff Timothy Howard (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action filed on March 30, 2012.

On December 10, 2014, the Court issued Findings and Recommendations to grant Defendant’s motion for summary judgment based on exhaustion in part. The time for filing objections has not yet passed.

Pursuant to the May 23, 2014, Discovery and Scheduling Order, the dispositive motion deadline is December 19, 2014.

On December 11, 2014, Defendant filed an ex parte request to extend the dispositive motion deadline to a date after the Court issues a final ruling on the motion for summary judgment.

1 **DISCUSSION**

2 A scheduling order “may be modified only for good cause,” and by leave of court. Fed.
3 R. Civ. P. 16(b)(4). The Court has broad discretion to control the course of litigation under Fed.
4 R. Civ. P. 16. Hunt v. Cnty. of Orange, 672 F.3d 606, 616 (9th Cir. 2012).

5 Here, the Court finds good cause to extend the dispositive motion deadline. Defendant’s
6 motion for summary judgment based on exhaustion was filed on August 21, 2014. However,
7 because of the large number of prisoner cases pending before the Court, the Court was not able
8 to issue Findings and Recommendations until December 10, 2014. During the time that the
9 motion was pending, the time period for filing a dispositive motion continued to run.
10

11 Accordingly, Defendant’s motion is GRANTED. The Court will set a date for filing
12 dispositive motions after the final ruling on the motion for summary judgment based on
13 exhaustion. Albino v. Baca, 747 F.3d 1162 (9th Cir. 2014).

14 This order does not extend any other deadlines. Discovery closed on October 20, 2014.

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16 IT IS SO ORDERED.

17 Dated: December 13, 2014

18 /s/ Dennis L. Beck
19 UNITED STATES MAGISTRATE JUDGE
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