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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN FRATUS,

Plaintiff,

v.

CALIFORNIA DEPT. OF
CORRECTIONS, et al.,

Defendants.

Case No. 1:12-cv-00906-DAD-SKO (PC)

ORDER APPROVING STIPULATION TO
MODIFY SCHEDULING ORDER AND
MODIFYING ORDER TO EXTEND
DISCOVERY AND MOTION DEADLINES

(Docs. 72 and 79)

Amended Discovery Deadline: 02/19/2016

Amended Pretrial Dispositive
Motion Deadline: 04/19/2016

Plaintiff John Fratus (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 4, 2012. This action is proceeding on Plaintiff’s second amended complaint against Defendant Callow (“Defendant”) for violation of Plaintiff’s Fourteenth Amendment right to procedural due process. Pursuant to the order filed on September 1, 2015, the deadline for the completion of all discovery is December 14, 2015, and the deadline to file pretrial dispositive motions is January 15, 2016. On November 2, 2015, the parties filed a stipulation to modify the scheduling order.

The Court finds that Plaintiff’s placement in Department of State Hospital (“DSH”) custody and his pending child custody hearing, coupled with his pro se status and the lack of any prejudice to Defendant, demonstrate the existence of good cause to modify the scheduling order. Fed. R. Civ. P. 16(b)(4); *Zivkovic v. Southern California Edison Co.*, 302 F.3d 1080, 1087 (9th

1 Cir. 2002). It appears that Plaintiff has now been released from DSH custody and accordingly, the
2 Court HEREBY ORDERS as follows:

- 3 1. The stipulation to modify the scheduling order is approved;
- 4 2. The discovery deadline is extended from December 14, 2015, to February 19, 2016;
5 and
- 6 3. The pretrial dispositive motion deadline is extended from January 25, 2016, to
7 April 19, 2016.

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9 IT IS SO ORDERED.

10 Dated: December 7, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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