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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JESSE WASHINGTON,)	Case No.: 1:12-cv-01404-AWI-SAB (PC)
)	
Plaintiff,)	
)	
v.)	ORDER GRANTING DEFENDANT’S REQUEST
)	FOR MODIFICATION OF DISCOVERY AND
R. SAMUELS, et al.,)	SCHEDULING ORDER AND OVERRULING
)	PLAINTIFF’S OBJECTION TO CANCELLATION
Defendant.)	OF DEPOSITION
)	
)	[ECF Nos. 39, 40]
)	

Plaintiff Jesse Washington is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On April 24, 2015, Plaintiff filed objections to the cancellation of the taking of his deposition by defense counsel on April 21, 2015. (ECF No. 39.)

On May 26, 2015, Defendant filed a motion for modification of the discovery and scheduling order. (ECF No. 40.)

As to Plaintiff’s objection to the cancellation of his deposition on April 21, 2015, the objections are OVERRULED. In the May 26, 2015, request to modify the scheduling order, Defense counsel declares that although Plaintiff’s deposition was initially scheduled for April 21, 2015, via video conference, counsel was unable to work that day due to illness. (ECF No. 40, Braxton Decl. ¶ 2.)

1 Plaintiff's deposition was rescheduled for May 13, 2015. However, defense counsel was
2 contacted on May 12, 2015, and informed that the video-conference room was occupied on May 13,
3 2015. (Id. at ¶ 3.) Due to the unavailability of the video-conference room, counsel agreed to travel to
4 Corcoran State Prison to take Plaintiff's deposition, and the date of May 26, 2015, was set. (Id. at ¶
5 4.) Plaintiff was personally served with the deposition notice on May 12, 2015. The Litigation
6 Coordinator at Corcoran State Prison advised counsel that there would be no electricity due to power
7 outages, but the visiting area would have electricity via generators, and the deposition could take
8 place. (Id.)

9 At 8:06 a.m. on the morning of May 26, 2015, defense counsel's office received an email from
10 the litigation office at Corcoran State Prison stating that the generators had failed, and there was no
11 power at the prison so the deposition could not take place. At that time, counsel was an hour away
12 from the prison when he received the message, two hours into the four hour drive to Corcoran. (Id. at
13 ¶ 5.) Because of the difficulties in scheduling Plaintiff's deposition, counsel requests to extend the
14 discovery deadline in this case to June 25, 2015.

15 Good cause having been presented to the Court, it is **HEREBY ORDERED** that:

- 16 1. Plaintiff's objection to the cancellation of his deposition on April 21, 2015, is
17 **OVERRULED**;
- 18 2. Defendant's motion to modify the discovery and scheduling order is **GRANTED**, and
19 the discovery deadline is extended to **June 25, 2015**; and
- 20 3. All other provisions and dates set forth in the Court's September 26, 2014, discovery
21 and scheduling order remain in full force and effect.

22
23 IT IS SO ORDERED.

24 Dated: May 27, 2015

25 
26 _____
27 UNITED STATES MAGISTRATE JUDGE
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