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7 **UNITED STATES DISTRICT COURT**

8 EASTERN DISTRICT OF CALIFORNIA
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10 DAVID MADDOX,

11 Plaintiff,

12 v.

13 JAMES A. YATES, et al.,

14 Defendants.
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16 _____/

Case No. 1:13-cv-00171-BAM (PC)

ORDER GRANTING DEFENDANT’S
REQUEST TO MODIFY THE
SCHEDULING ORDER TO EXTEND THE
DISPOSITIVE MOTION DEADLINE

(ECF Nos. 29, 39)

Discovery Deadline: **January 25, 2016**

Dispositive Motion Deadline: **April 6, 2016**

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18 Plaintiff David Maddox (“Plaintiff”) is a state prisoner proceeding pro se and in forma
19 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action currently proceeds on
20 Plaintiff’s complaint against Defendant B. Ornellas (erroneously sued as “Arnellas”) for deliberate
21 indifference to serious medical needs in violation of the Eighth Amendment to the United States
22 Constitution.

23 On October 29, 2015, Defendant Ornellas filed a motion to extend the discovery cut-off
24 date and dispositive motion deadline in this matter. (ECF No. 29.) The time for Plaintiff to file any
25 response has expired and Plaintiff has not responded. As a result, the motion is deemed admitted,
26 and Plaintiff has waived any opposition to the granting of the motion. Local Rule 230(l).

27 Defendant Ornellas asserts that the parties have several existing discovery disputes due to
28 the alleged delay in Plaintiff’s discovery responses, which are the subject of some pending

1 motions. The Court notes that Plaintiff has not yet responded to these pending motions although
2 his response is overdue. Defendant Ornellas also explains that Plaintiff has not been reachable,
3 and that he did not appear at a noticed deposition despite an earlier telephone confirmation of the
4 deposition date. Due to these delays which are outside of Defendant Ornellas' control, he seeks an
5 extension of the upcoming deadlines in this matter so as not to be prejudiced.

6 Pursuant to Federal Rule of Civil Procedure 16(b), a scheduling order may be modified
7 upon a showing of good cause. Fed.R.Civ.P. 16(b)(4). Given the pending motions and discovery
8 disputes which must be resolved in this matter for the case to continue, and the lack of
9 communication from Plaintiff in these matters, the Court finds good cause is shown here.

10 Accordingly, the Court HEREBY ORDERS as follows:

11 1. The deadline for the completion of all discovery, including filing all motions to
12 compel discovery, is extended from November 26, 2015 to **January 25, 2016**;

13 2. The deadline for filing all dispositive motions (other than a motion for summary
14 judgment for failure to exhaust) is extended from February 4, 2016 to **April 6, 2016**; and,

15 3. Any request for an extension of a deadline set in this order must be filed on or
16 before the expiration of the deadline in question and will only be granted on a showing of good
17 cause.

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19 IT IS SO ORDERED.

20 Dated: November 30, 2015

/s/ Barbara A. McAuliffe
21 UNITED STATES MAGISTRATE JUDGE
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