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

LUIS RODRIGUEZ,

Plaintiff,

v.

HEFFLEFINGER, et al.,

Defendants.

Case No. 1:13-cv-00231 DAD DLB PC

ORDER GRANTING DEFENDANTS'  
MOTION TO MODIFY DISCOVERY  
AND SCHEDULING ORDER

(Document 62)

Plaintiff Luis Rodriguez (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s July 14, 2014, Second Amended Complaint on the following claims:(1) retaliation in violation of the First Amendment against Defendants Anderson, Hefflefinger, Badger, McAllister, Tredwell, Sheldon, Speidell, Duncan, Lozovoy<sup>1</sup> and Huerta; (2) violation of the Eighth Amendment against Defendant Lozovoy; and (3) violation of the Eighth Amendment against Defendants Hefflefinger and Lozovoy based on conditions of confinement.

The dispositive motion deadline is currently March 10, 2016.

Defendants’ motions for summary judgment based on exhaustion are pending.

On March 3, 2016, Defendants Hefflefinger, Speidell, Badger, Sheldon, Tredwell, Huerta, Lozovoy, Anderson and Duncan filed a motion to extend the dispositive motion deadline.

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<sup>1</sup> Plaintiff spells the name as “Lozovoy,” though it appears that “Lozovoy” is the correct spelling.

1 Defendant McAllister joined in the motion on March 3, 2016. The Court deems the matter suitable  
2 for decision without an opposition pursuant to Local Rule 230(1).

3 **DISCUSSION**

4 Modification of the pretrial scheduling order requires a showing of good cause. Fed. R. Civ.  
5 P. 16(b)(4). “The schedule may be modified ‘if it cannot reasonably be met despite the diligence of  
6 the party seeking the extension.’” Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087  
7 (9th Cir. 2002) (quoting Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992)).  
8 “Although the existence or degree of prejudice to the party opposing the modification might supply  
9 additional reasons to deny a motion, the focus of the inquiry is upon the moving party’s reasons for  
10 seeking the modification.” Johnson, 975 F.2d at 609.

11 Defendants seek an extension of the dispositive motion deadline because their motions for  
12 summary judgment are currently pending. As the pending motions may dispose of claims against  
13 numerous Defendants, it would be a waste of time and resources if all Defendants had to file  
14 dispositive motions by the March 10, 2016, deadline.

15 For good cause, the Court GRANTS Defendants’ motion. The Court will reset the  
16 dispositive motion deadline after a decision on the pending motions for summary judgment.

17  
18 IT IS SO ORDERED.

19 Dated: March 4, 2016

/s/ Dennis L. Beck  
20 UNITED STATES MAGISTRATE JUDGE