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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KEITH BULKIN,

Plaintiff,

vs.

V. OCHOA, et al.,

Defendants.

) Case No.: 1:13-cv-00388 DAD DLB PC

) **ORDER GRANTING DEFENDANTS’**
) **REQUEST TO MODIFY SCHEDULING**
) **ORDER**

) [ECF No. 42]

) Dispositive Motion Deadline: **May 6, 2016**

Plaintiff Keith Bulkin is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On January 6, 2016, Defendants filed a request to modify the discovery and scheduling order. Modification of the pretrial scheduling order requires a showing of good cause. Fed. R. Civ. P. 16(b)(4). “The schedule may be modified ‘if it cannot reasonably be met despite the diligence of the party seeking the extension.’” Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992)). “If the party seeking the modification ‘was not diligent, the inquiry should end’ and the motion to modify should not be granted.” Id.

1 Defendants state that good cause exists because a motion for summary judgment for
2 exhaustion is currently pending before the Court, and preparation of a motion for summary
3 judgment regarding the merits of Plaintiff's claims could prove to be unnecessary. The Court
4 finds good cause to modify the scheduling order.

5 Accordingly, Defendants' request to modify the Discovery and Scheduling Order is
6 GRANTED. The existing dispositive motion deadline is RESET to **May 6, 2016**.

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8 IT IS SO ORDERED.

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10 Dated: February 1, 2016

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