

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANA GRAY,
Plaintiff,
v.
ROMERO, et al.,
Defendants.

No. 1:13-cv-01473 DAD DLB PC
ORDER GRANTING PLAINTIFF’S
MOTION TO MODIFY DISCOVERY AND
SCHEDULING ORDER
(Document 109)

Plaintiff Dana Gray (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on September 12, 2013. The action is proceeding against Defendants Mundunuri, Ziomek, Rebel, Romero, Comelli and Loadholt for violation of the Eighth Amendment and negligence.

Pursuant to the May 2, 2016, Discovery and Scheduling Order, the deadline for exchanging initial disclosures was June 16, 2016.

On July 29, 2016, Plaintiff filed a motion to extend time to exchange initial disclosures. Defendants did not oppose the motion. It is therefore ready for decision pursuant to Local Rule 230(l).

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

1 F.3d 1080, 1087 (9th Cir. 2002) (quoting *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604,
2 609 (9th Cir. 1992)). “Although the existence or degree of prejudice to the party opposing the
3 modification might supply additional reasons to deny a motion, the focus of the inquiry is upon
4 the moving party’s reasons for seeking the modification.” *Johnson*, 975 F.2d at 609. “If the party
5 seeking the modification ‘was not diligent, the inquiry should end’ and the motion to modify
6 should not be granted.” *Zivkovic*, 302 F.3d at 1087 (quoting *Johnson*, 975 F.2d at 609).

7 Here, Plaintiff seeks a thirty (30) day extension of the June 16, 2016, initial disclosure
8 deadline for various reasons. As an initial matter, the Court notes that the request was made long
9 after the time for filing initial disclosures had passed. Nonetheless, because Plaintiff has been
10 diligent in pursuing this action and Defendants have not objected, the Court will GRANT her
11 request for good cause.

12 Plaintiff SHALL exchange her initial disclosures within thirty (30) days of the date of
13 service of this order.

14
15 IT IS SO ORDERED.

16 Dated: August 26, 2016

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