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

SEBASTIAN BLOUNT,	)	Case No.: 1:13cv01705 AWI DLB (PC)
	)	
Plaintiff,	)	ORDER GRANTING DEFENDANTS’
v.	)	MOTION TO MODIFY DISCOVERY
	)	AND SCHEDULING ORDER
D. LOPEZ, et al.,	)	(Document 33)
	)	
Defendants.	)	<b>Discovery Deadline: January 16, 2015</b>
	)	
	)	

Plaintiff Sebastian Blount (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Pursuant to the July 17, 2014, Discovery and Scheduling Order, discovery closed on December 15, 2014. The dispositive motion deadline is February 12, 2015.

On December 19, 2014, Defendants filed a motion to modify the Discovery and Scheduling Order. Defendants seek a 21-day extension of the discovery deadline. The Court deems the matter suitable for decision without an opposition pursuant to Local Rule 230(l).

**DISCUSSION**

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

1 party seeking the extension.” Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th  
2 Cir. 2002) (quoting Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992)). “If  
3 the party seeking the modification ‘was not diligent, the inquiry should end’ and the motion to modify  
4 should not be granted.” Id.

5 Here, Defendants explain that logistical considerations required that they notice Plaintiff’s  
6 deposition for December 15, 2014, at 9:30 a.m. However, on December 15, 2014, at approximately  
7 8:20 a.m., staff at California Men’s Colony notified counsel that Plaintiff was unable to attend his  
8 deposition because of a health concern.

9 Defendants anticipate that they will be able to meet the February 12, 2015, dispositive motion  
10 deadline.

11 For good cause, the Court GRANTS Defendants’ motion. The discovery deadline is extended  
12 to January 16, 2015. The dispositive motion deadline will remain February 12, 2015.

13  
14 IT IS SO ORDERED.

15 Dated: December 22, 2014

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