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

**BRYAN E. RANSOM**

Plaintiff,

v.

**STROME, et al.,**

Defendants.

Case No. 1:13-cv-01779-DAD-DLB PC

**ORDER GRANTING PLAINTIFF’S MOTION  
TO EXTEND TIME TO SERVE INITIAL  
DISCLOSURES  
(Document 54)**

**ORDER GRANTING DEFENDANTS’  
MOTION TO MODIFY DISCOVERY AND  
SCHEUDLING ORDER  
(Document 55)**

Plaintiff Bryan E. Ransom is a prisoner proceeding pro se and in forma pauperis in this civil rights action.

The Court issued a Discovery and Scheduling Order on November 10, 2015. Pursuant to the order, initial disclosures were due on December 28, 2015. Motions based on failure to exhaust are due on February 8, 2016, the deadline to amend is March 9, 2016, the discovery deadline is April 8, 2016, and dispositive motions are due by June 7, 2016.

At this time, not all Defendants have appeared in this action.

On January 22, 2016, Plaintiff filed a motion to extend time to serve his initial disclosures.

On January 26, 2016, Defendants filed a motion to modify the Discovery and Scheduling Order.

1 The Court deems the matters suitable for decision without further briefing. Local Rule  
2 230(l).

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. “If the party seeking the modification ‘was  
11 not diligent, the inquiry should end’ and the motion to modify should not be granted.” *Zivkovic*, 302  
12 F.3d at 1087 (quoting *Johnson*, 975 F.2d at 609).

13 Plaintiff requests additional time to file his initial disclosures because his legal property was  
14 confiscated after an evidentiary hearing in his other action in this Court, and he therefore missed the  
15 December 28, 2015, deadline.

16 Defendants acknowledge Plaintiff’s request for additional time and do not oppose it. Rather,  
17 they request a sixty-day extension of the exhaustion deadline and the dispositive motion deadline  
18 based on Plaintiff’s failure, and because (1) they have propounded exhaustion-related discovery that  
19 will not be due prior to the February 8, 2016, exhaustion-motion deadline; and (2) not all Defendants  
20 have appeared in this action.

21 The Court finds that good cause exists and the motions are GRANTED. The Court will (1)  
22 extend time for Plaintiff’s initial disclosures; and (2) extend the remaining deadlines by sixty-days.<sup>1</sup>

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<sup>1</sup> Although Defendants request an extension of only the exhaustion motion and dispositive motion deadline, the Court will extend the deadline to amend and the discovery deadline, as well.

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The new dates are as follows:  
Plaintiff's initial disclosures: February 29, 2016  
Motions based on exhaustion: April 8, 2016  
Deadline to amend: May 9, 2016  
Discovery deadline: June 8, 2016  
Dispositive motion deadline: August 8, 2016

IT IS SO ORDERED.

Dated: January 29, 2016

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE