UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RICK HAZELTINE,

            Plaintiff,

    vs.

FRANCES HICKS, et al.,

            Defendants.

) Case No.: 1:14-cv-00056 DAD DLB PC
)
) **ORDER GRANTING STIPULATED**
) **REQUEST TO MODIFY SCHEDULING**
) **ORDER**
) [ECF No. 32]
)
) Discovery Cut-Off: **March 24, 2016**
) Dispositive Motion Deadline: **May 24, 2016**
)
)
)

Plaintiff Rick Hazeltine is a civil detainee proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On January 20, 2016, the parties filed a stipulated 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.

The parties state that good cause exists because Plaintiff was unaware that the Court had issued a Discovery and Scheduling Order. Counsel for Defendants declares that when he contacted Plaintiff regarding a noticed deposition, Plaintiff believed the case had been dismissed and was unaware of any pending deadlines. Because Plaintiff was unaware of the Discovery and Scheduling Order, he had no opportunity to conduct discovery. Plaintiff notified counsel of the existence of evidence that should be obtained before Plaintiff's deposition. In light of the above, the Court finds good cause to modify the scheduling order.

Accordingly, the stipulated request to modify the Discovery and Scheduling Order is GRANTED. The existing discovery cut-off date is RESET to **March 24, 2016**, and the existing dispositive motion deadline is RESET to **May 24, 2016**.

IT IS SO ORDERED.

Dated: __**January 21, 2016**__ 　　　　　　_____ /s/ *Dennis L. Beck*
　　　　　　　　　　　　　　　　　　　UNITED STATES MAGISTRATE JUDGE