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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GEORGE MCCLURE,
Plaintiff,

vs.

C.K. CHEN, et al.,
Defendants.

) Case No.: 1:14-cv-00932 DAD DLB PC

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

) [ECF No. 25]

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

On March 14, 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 to vacate the current deadline for initial
2 disclosures, because Defendants will be filing a dispositive motion on or about March 25, 2016,
3 that could potentially dispose of the entire case. Defendants state the motion for summary
4 judgment will be based on failure to state a claim, failure to exhaust administrative remedies, and
5 qualified immunity. Given that the motion may dispose of some claims or the entire case, it will
6 be unclear to the parties what, if any, issues will remain for the purposes of proceeding with
7 initial disclosures. In light of the above, the Court finds good cause to modify the scheduling
8 order.

9
10 Accordingly, Defendants' request to modify the Discovery and Scheduling Order is
11 GRANTED. The existing initial disclosure deadline is VACATED pending a ruling on
12 Defendants' anticipated motion for summary judgment.

13
14 IT IS SO ORDERED.

15 Dated: March 19, 2016

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