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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHNNY G. BRIONES,

Plaintiff,

v.

FLORES, et al.,

Defendants.

Case No. 1:14-cv-01479-DLB PC

ORDER GRANTING DEFENDANTS’
MOTION TO MODIFY DISCOVERY AND
SCHEUDLING ORDER

(Document 23)

Plaintiff Johnny G. Briones (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action.

The Court issued a Discovery and Scheduling Order on February 23, 2016. Pursuant to the order, motions based on exhaustion were due May 23, 2016, the discovery cut-off is June 22, 2016, and the dispositive motion cut-off is September 20, 2016.

On May 20, 2016, Defendants filed a motion to modify the Discovery and Scheduling Order. The Court deems the matter suitable for decision without further briefing. Local Rule 230(1).

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 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, 609 (9th Cir. 1992)).

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

6 Here, Defendants request an extension of the deadline to file motions based on exhaustion, as
7 well as an extension of the discovery and dispositive motion deadlines. Counsel states that despite
8 her diligence, she needs additional time to interview witnesses and complete a motion raising a
9 failure to exhaust. Choi Decl. ¶ 4.

10 For good cause, the motion is GRANTED. **Exhaustion-based motions are due by June 23,**
11 **2016. Discovery shall be completed sixty (60) days after a ruling on the motion, and dispositive**
12 **motions will be due one hundred-twenty (120) days after a ruling on the motion.**

13 IT IS SO ORDERED.

14
15 Dated: May 24, 2016

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE