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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUSTAVO TORRES,  
Plaintiff,  
v.  
ARRELLANO, et al.,  
Defendants.

No. 1:15-cv-00575 DAD DLB PC  
ORDER GRANTING DEFENDANTS’  
MOTION TO MODIFY DISCOVERY AND  
SCHEDULING ORDER  
(Document 53)

Plaintiff Gustavo Torres (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Defendants filed their answer on January 12, 2016, and the action is now in discovery.

Pursuant to the January 13, 2016, Discovery and Scheduling Order, the dispositive motion deadline is August 10, 2016.

On July 14, 2016, Defendants filed a motion to modify the Discovery and Scheduling Order. The Court deems the motion suitable for decision without further briefing. Local Rule 230(l).

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,

1 609 (9th Cir. 1992)). “Although the existence or degree of prejudice to the party opposing the  
2 modification might supply additional reasons to deny a motion, the focus of the inquiry is upon  
3 the moving party’s reasons for seeking the modification.” *Johnson*, 975 F.2d at 609. “If the party  
4 seeking the modification ‘was not diligent, the inquiry should end’ and the motion to modify  
5 should not be granted.” *Zivkovic*, 302 F.3d at 1087 (quoting *Johnson*, 975 F.2d at 609).

6 Here, Defendants seek a thirty-day extension of the August 10, 2016, dispositive motion  
7 deadline due to counsel’s heavy case load and upcoming travel schedule. Hemple Decl. ¶¶5-6.  
8 Defendants have been diligent in litigating this action, and there is no indication that Plaintiff will  
9 be prejudiced by a thirty-day extension.

10 Accordingly, Defendants’ motion is GRANTED. The dispositive motion deadline is  
11 September 9, 2016.

12  
13 IT IS SO ORDERED.

14 Dated: July 19, 2016

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