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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LESLIE JAMES GAINES, JR.,
Plaintiff,
v.
BEASLEY, et al.,
Defendants.

No. 1:15-cv-1533 LJO JLT PC

**ORDER DENYING DEFENDANT’S
MOTION TO MODIFY DISCOVERY
SCHEDULING ORDER**

(Doc. 53.)

Defendant Curtiss moves to modify the dispositive motion deadline, which is currently set for January 3, 2019. (Docs. 39, 53.) Defendant’s motion follows the adoption by the district judge of the October 22, 2018, findings and recommendations to dismiss all defendants except Curtiss for failure to exhaust administrative remedies. (Docs. 41, 47, 52.) This action thus proceeds against Curtiss on a single First Amendment retaliation claim. Plaintiff has filed an appeal regarding this determination (Docs. 49, 54), and Curtiss now asks the Court to continue the deadline for filing dispositive motions to thirty days after the Ninth Circuit Court of Appeals has ruled on plaintiff’s appeal.

The Court does not find good cause to continue this deadline for what may turn out to be several months. Fed. R. Civ P. 16(b)(4). Contrary to defendant’s characterization of the procedural posture of this case, the claims against all defendants but him *have* been dismissed; they are not awaiting dismissal pending the Ninth Circuit’s order. The Court further does not find

1 that proceeding with the schedule as is would cause confusion or unnecessary litigation costs.

2 Accordingly, the Court **DENIES** defendant's motion to modify the dispositive motion
3 deadline (Doc. 53).

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5 IT IS SO ORDERED.

6 Dated: **December 11, 2018**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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