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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

REGINALD RAY YORK,)	No.: 1:15-cv-01828-DAD-BAM (PC)
)	
Plaintiff,)	ORDER GRANTING DEFENDANTS’
)	MOTION TO MODIFY DISCOVERY AND
v.)	SCHEDULING ORDER
)	
G. GARCIA, et al.,)	[ECF No. 35]
)	
Defendants.)	
)	

Plaintiff Reginald Ray York is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This case proceeds on Plaintiff’s claim against Defendant Garcia for excessive force, against Defendant Neighbors for failure to protect, and against Defendants Garcia and Neighbors for the failure to decontaminate. This matter was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Currently before the Court is Defendants’ motion to modify the discovery and scheduling order, filed on October 4, 2017. (ECF No. 35.) Plaintiff filed an opposition, (ECF No. 36), and Defendants replied to the opposition, (ECF No. 38). The motion is deemed submitted. Local Rule 230(1).

Defendants seek an extension of the discovery deadline from after the Court rules on Defendants’ motion to compel, and an extension of the dispositive motion deadline from after the Court rules on Defendant Stewart’s motion for summary judgment. Defendants assert that they require time to review Plaintiff’s discovery response so that they can possibly prepare another motion to compel, and so that they can prepare to take Plaintiff’s deposition. Further, if

1 Defendant Stewart is dismissed from this case as a result of the summary judgment motion, they
2 do not need to conduct further discovery on any claim related to him, and therefore waiting until
3 resolution of the motion to take Plaintiff's deposition will prevent a waste of resources. Finally,
4 the discovery responses and Plaintiff's deposition are both necessary to prepare a motion for
5 summary judgment.

6 By the Court's order of March 19, 2018, Defendants' motion to compel was granted, and
7 Plaintiff's responses are due within thirty days of that order. (ECF No. 41). Further, by the
8 Court's March 21, 2018 order, Defendant Stewart's motion for summary judgment was ruled
9 upon, and he has been dismissed from this action. (ECF No. 43.)

10 The Court finds good cause to grant the requested extensions of time. Plaintiff's objection
11 that Defendants must meet the standard of Federal Rule of Civil Procedure 56(d), concerning
12 facts unavailable to a nonmovant attempting to respond to a motion for summary judgment, has
13 no merit. Defendants must meet the good cause standard under Rule 16(b)(4), and the Court
14 finds that Defendants have done so through their diligence in defending this action, and because
15 the modifications sought are reasonable under the circumstances.

16 Accordingly, it is HEREBY ORDERED that:

17 1. Defendants' motion to modify the discovery and scheduling order (ECF No. 35)
18 is GRANTED;

19 2. The discovery deadline is extended until **June 22, 2018** for the purpose of
20 allowing Defendants to depose Plaintiff and to file a motion to compel, if necessary; and

21 3. The dispositive motion deadline is extended until **July 23, 2018**.

22
23 IT IS SO ORDERED.

24 Dated: March 26, 2018

25 /s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE
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