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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RASHAD KING,  
Plaintiff,  
v.  
S. HOLLAND, et al,  
Defendants.

1:15-cv-01885-DAD-BAM (PC)  
ORDER GRANTING DEFENDANTS’ EX  
PARTE APPLICATION TO MODIFY THE  
SCHEDULING ORDER TO EXTEND THE  
DISCOVERY DEADLINE TO TAKE  
PLAINTIFF’S DEPOSITION  
(ECF No. 63)

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

Currently before the Court is Defendants’ ex parte application to modify the scheduling order to extend the discovery deadline to take Plaintiff’s deposition, filed November 14, 2017. (ECF No. 63.) The current deadline for the completion of all discovery is November 28, 2017. (ECF No. 30, p. 2.) Plaintiff has not yet had an opportunity to respond to this application, but the Court finds no response is necessary, and that Plaintiff will not be prejudiced by the consideration of the application. Local Rule 230(1).

Defendants seek a three-week enlargement of the discovery deadline, from November 28, 2017, to December 19, 2017, for the purpose of taking Plaintiff’s deposition. Defense counsel explains that, due to the press of business, she is unable to travel for the deposition currently noticed for November 16, 2017, or to file any motion to compel that may be necessary, before the

1 November 28 deadline. Also due to the press of business, counsel has been unable to take  
2 Plaintiff's deposition at an earlier date. Furthermore, due to the unavailability of conference  
3 rooms at High Desert State Prison, where Plaintiff is currently housed, the deposition cannot be  
4 rescheduled until the week of December 11, 2017. (ECF No. 63.)

5 The Court finds Defendants have presented good cause for the requested extension. Fed.  
6 R. Civ. P. 16(b)(4). Defendants have acted diligently to complete discovery in this matter,  
7 responding to Plaintiff's discovery requests and timely noticing Plaintiff's deposition. However,  
8 due to the press of business, counsel is unable to take Plaintiff's deposition or file any necessary  
9 motion to compel prior to the discovery deadline.

10 Accordingly, the Court HEREBY ORDERS that:

- 11 1. Defendants' ex parte application to modify the scheduling order to extend the  
12 discovery deadline to take Plaintiff's deposition (ECF No. 63) is GRANTED; and
- 13 2. The discovery deadline of November 28, 2017 is extended to December 19, 2017,  
14 for the limited purpose of taking Plaintiff's deposition, and filing any motion to compel, if  
15 necessary.

16  
17 IT IS SO ORDERED.

18 Dated: November 15, 2017

/s/ Barbara A. McAuliffe  
19 UNITED STATES MAGISTRATE JUDGE