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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

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

Case No. 1:15-cv-01885-DAD-BAM (PC)  
ORDER GRANTING DEFENDANTS’ EX  
PARTE MOTION TO MODIFY THE  
SCHEDULING ORDER  
(ECF No.65)  
**Dispositive Motion Deadline: March 22, 2018**

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. This action proceeds on Plaintiff’s complaint, filed on December 18, 2015, for violations of the Eighth Amendment against Defendants Holland and Duncan for excessive force during the first escort; Defendants Holland, Duncan, and Solis for excessive force in the second cell; against Defendant Tingley for failing to intervene in the attack by Defendants Holland, Solis, and Duncan in the second cell; and an Eighth Amendment sexual assault against Defendant Holland.

On March 28, 2017, the Court issued a Discovery and Scheduling Order, setting the deadline for dispositive motions for February 5, 2018. (ECF No. 30.) On November 14, 2017, Defendants filed an ex parte application to modify the scheduling order to extend the discovery deadline to take Plaintiff’s deposition. (ECF No. 63.) The Court granted the motion and extended the discovery deadline to December 19, 2017. (ECF No. 64.)

1 Currently before the Court is Defendants' ex parte application to modify the scheduling  
2 order to extend the deadline to file dispositive motions. (ECF No. 65.) Plaintiff has not  
3 responded to the motion, but the Court finds a response unnecessary, and that Plaintiff will not be  
4 prejudiced by the consideration of this motion. Local Rule 230(l).

5 Defendants seek an extension of the dispositive motion deadline for forty-five days, from  
6 February 5, 2018 up to and including March 22, 2018. (ECF No. 65.) Defendants argue that  
7 Plaintiff's deposition was taken on December 14, 2017 at High Desert State Prison, but due to the  
8 press of other business and defense counsel's workload, additional time is required to complete  
9 the summary judgment motion. In addition, defense counsel has been in contact with the Central  
10 District's mediation program, and is scheduled to speak with Plaintiff on February 5, 2018, to  
11 evaluation settlement before filing the motion. Defendants anticipate filing the motion after  
12 completing the tasks necessary to file the motion, including obtaining Defendants' and ancillary  
13 witnesses' declarations. (Id.)

14 Defendants have shown good cause for modifying the scheduling order in this matter.  
15 Fed. R. Civ. P. 16(b)(4). In addition, the Court finds that Plaintiff will not be prejudiced by the  
16 brief extension of time granted here.

17 Accordingly, IT IS HEREBY ORDERED as follows:

- 18 1. Defendants' ex parte application to modify the scheduling order, (ECF No. 65), is  
19 GRANTED; and
- 20 2. All dispositive motions (other than a motion for summary judgment for failure to  
21 exhaust) shall be filed on or before **March 22, 2018**.

22  
23 IT IS SO ORDERED.

24 Dated: February 5, 2018

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