

1 **II. Modification of Scheduling Order**

2 Federal Rule of Civil Procedure¹ 16(b) requires a party show “good cause” when seeking
3 to modify a scheduling order. Rule 16(b)’s good cause standard focuses primarily on the
4 diligence of the moving party, *id.*, and the reasons for seeking modification, *C.F. ex rel. Farnan*
5 *v. Capistrano Unified Sch. Dist.*, 654 F.3d 975, 984 (9th Cir.2011). If the party seeking to amend
6 the scheduling order fails to show due diligence, the inquiry should end and the court should not
7 grant the motion to modify. *Zivkovic v. Southern California Edison, Co.*, 302 F.3d 1080, 1087
8 (9th Cir. 2002). Defendant’s motion shows that he has exercised due diligence, but has been
9 unable to prepare a dispositive motion in this case because of an upcoming, out of state trial and
10 new assignments due to the recent departure of another Deputy. This satisfies Rule 16(b)’s good
11 cause standard.

12 **III. Order**

13 Accordingly, it is **HEREBY ORDERED** that:

- 14 (1) Defendant’s motion to extend the dispositive motion filing deadline, filed on
15 August 7, 2017, (Doc. 27), is **GRANTED**;
- 16 (2) the deadline for filing pre-trial dispositive motions is extended to **September**
17 **22, 2017**; and
- 18 (3) other than the above modification of deadlines, all requirements of the
19 September 9, 2016 Discovery and Scheduling Order, (Doc. 23), remain in
20 effect.

21 IT IS SO ORDERED.

22 Dated: August 8, 2017

23 /s/ Sheila K. Overt
24 UNITED STATES MAGISTRATE JUDGE

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28 ¹ The Federal Rules of Civil Procedure will be referred to as “Rule *.” Any reference to other statutory authorities shall so indicate.