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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 MIGUEL G. SIFUENTES,

12 Plaintiff,

13 vs.

14 DR. OLA, et al.,

15 Defendants.
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1:16-cv-00241-DAD-GSA-PC

**ORDER GRANTING DEFENDANT
OLA'S MOTION TO MODIFY
SCHEDULING ORDER
(ECF No. 47.)**

**ORDER EXTENDING DISCOVERY
DEADLINE AND DEADLINE TO FILE
DISPOSITIVE MOTIONS FOR ALL
PARTIES**

New Discovery Deadline: July 30, 2020

New Dispositive Motions Deadline: Sept. 30, 2020

23 **I. BACKGROUND**

24 Miguel G. Sifuentes ("Plaintiff") is a prisoner proceeding *pro se* with this civil rights
25 action pursuant to 42 U.S.C. § 1983.¹ This case now proceeds with Plaintiff's First Amended
26 Complaint filed on April 26, 2017, against defendant Dr. Ola ("Defendant") for failure to provide
27 adequate medical care, in violation of the Eighth Amendment. (ECF No. 21.)

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¹ Plaintiff paid the filing fee on February 25, 2016. (Court Record.)

1 On October 15, 2019, the court issued a Discovery and Scheduling Order establishing
2 pretrial deadlines for the parties, including a discovery deadline of April 15, 2020, and a
3 dispositive motions deadline of June 15, 2020. (ECF No. 43.) On April 17, 2020, Defendant
4 filed a motion to modify the Scheduling Order. (ECF No. 47.)

5 **II. MOTION TO MODIFY SCHEDULING ORDER**

6 Modification of a scheduling order requires a showing of good cause, Fed. R. Civ. P.
7 16(b), and good cause requires a showing of due diligence, Johnson v. Mammoth Recreations,
8 Inc., 975 F.2d 604, 609 (9th Cir. 1992). To establish good cause, the party seeking the
9 modification of a scheduling order must generally show that even with the exercise of due
10 diligence, they cannot meet the requirement of the order. Id. The court may also consider the
11 prejudice to the party opposing the modification. Id. If the party seeking to amend the scheduling
12 order fails to show due diligence the inquiry should end and the court should not grant the motion
13 to modify. Zivkovic v. Southern California Edison, Co., 302 F.3d 1080, 1087 (9th Cir. 2002).

14 Defendant requests at least a ninety-day extension of the discovery and dispositive
15 motions deadlines in the court's Discovery and Scheduling order, on the grounds that given the
16 current COVID-19 crisis, it is not feasible to complete discovery or complete a dispositive motion
17 by the deadlines in the court's Scheduling Order (ECF No. 47 at 2 and Declaration of Matthew
18 W. Roman at ¶¶ 4-9.)

19 The court finds good cause to extend the discovery and dispositive motions deadlines in
20 the court's Discovery and Scheduling order. Defendant has shown that even with the exercise of
21 due diligence, he cannot meet the requirements of the order. Therefore, the motion to modify the
22 Scheduling Order filed by defendant Dr. Ola shall be granted.

23 **III. CONCLUSION**

24 Based on the foregoing, IT IS HEREBY ORDERED that:

- 25 1. Defendant Ola's motion to modify the court's Scheduling Order, filed on April
26 17, 2020, is GRANTED;
- 27 2. The deadline for the completion of discovery is extended from April 15, 2020 to
28 **July 30, 2020** for all parties to this action;

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- 3. The deadline for filing and serving pretrial dispositive motions is extended from June 15, 2020 to **September 30, 2020** for all parties to this action; and
- 4. All other provisions of the court's October 15, 2019 Discovery and Scheduling Order remain the same.

IT IS SO ORDERED.

Dated: **April 20, 2020**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE