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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 JEREMY JONES,

12 Plaintiff,

13 vs.

14 ARNETTE, et al.,

15 Defendants.  
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**1:16-cv-01212-DAD-GSA-PC**

**ORDER GRANTING DEFENDANTS ARNETT,  
FLORES, GONZALES, AND KEENER'S  
MOTION TO MODIFY SCHEDULING  
ORDER  
(ECF No. 74.)**

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

**New Discovery Deadline: June 5, 2021**

**New Dispositive Motions Deadline: August 5, 2021**

22 **I. BACKGROUND**

23 Jeremy Jones ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis*  
24 with this civil rights action pursuant to 42 U.S.C. § 1983 and the Americans with Disabilities Act  
25 (ADA), 42 U.S.C. § 12132. This case now proceeds with Plaintiff's Second Amended Complaint  
26 filed on September 10, 2018, on (1) Plaintiff's ADA claims against defendants Vasquez, Keener,  
27 Gonzales, Flores, Arnett, Zamora, and Lopez, in their official capacities; (2) Plaintiff's Eighth  
28 Amendment conditions of confinement claims against defendants Vasquez, Keener, and

1 Gonzales; and (3) Plaintiff's due process claims against defendants Vasquez, Keener, and  
2 Gonzales. (ECF No. 33.)

3 On November 6, 2020, the court issued a Discovery and Scheduling Order establishing  
4 pretrial deadlines for the parties, including a discovery deadline of April 6, 2021, and a  
5 dispositive motions deadline of June 6, 2021. (ECF No. 59.) On April 1, 2021, defendants  
6 Arnett, Flores, Gonzales, and Keener ("Defendants") filed a motion to modify the Scheduling  
7 Order. (ECF No. 74.)

## 8 **II. MOTION TO MODIFY SCHEDULING ORDER**

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

17 Defendants request a sixty-day extension of the discovery and dispositive motions  
18 deadlines in the court's Discovery and Scheduling Order due to the fact that Plaintiff's Second  
19 Amended Complaint names seven defendants but only four of them have been served and  
20 answered the complaint. Defendants seek an extension of time to decide whether the Attorney  
21 General's Office will represent defendants who were recently served or still to be served.  
22 Defendants also request additional time to take Plaintiff's deposition, which has been noticed but  
23 not yet taken.

24 The court finds good cause to extend the discovery and dispositive motions deadlines in  
25 the court's Discovery and Scheduling Order. Defendants have shown that even with the exercise  
26 of due diligence they cannot meet the requirements of the order. Therefore, the motion to modify  
27 the Discovery and Scheduling Order filed by defendants Arnett, Flores, Gonzales, and Keener  
28 shall be granted.

1 **III. CONCLUSION**

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

- 3 1. Defendants Arnett, Flores, Gonzales, and Keener’s motion to modify the court’s  
4 Discovery and Scheduling Order, filed on April 1, 2021, is GRANTED;
- 5 2. The deadline for the completion of discovery is extended from April 6, 2021 to  
6 **June 5, 2021** for all parties to this action;
- 7 3. The deadline for filing and serving pretrial dispositive motions is extended from  
8 June 6, 2021 to **August 5, 2021** for all parties to this action; and
- 9 4. All other provisions of the court’s November 6, 2020 Discovery and Scheduling  
10 Order remain the same.

11 IT IS SO ORDERED.

12 Dated: **April 8, 2021**

13 **/s/ Gary S. Austin**  
14 UNITED STATES MAGISTRATE JUDGE