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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. 88.)**

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

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

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

20 **I. BACKGROUND**

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

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. (ECF No. 59.) The current discovery deadline is June 5, 2021,  
5 and the deadline for filing dispositive motions is August 5, 2021. (ECF No. 77.) On June 3,  
6 2021, defendants Arnett, Flores, Gonzales, and Keener ("Defendants") filed a motion to modify  
7 the Scheduling Order. (ECF No. 88.)

## 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 current discovery and dispositive motions  
18 deadlines, due to the fact that Plaintiff's Second Amended Complaint names seven defendants  
19 but only four of them have been served and answered the complaint. Defendants also request  
20 additional time to take Plaintiff's deposition. On June 2, 2021, Defendants' counsel attempted  
21 to obtain a stipulation from Plaintiff by phone regarding this request to extend the discovery  
22 deadline in order to take Plaintiff's deposition, but Plaintiff did not agree to the stipulation. (Decl.  
23 of Janet Chen, ECF No. 88 at 8 ¶ 6.)

24 The court finds good cause to extend the discovery and dispositive motions deadlines in  
25 this case. Defendants have shown that even with the exercise of due diligence, they cannot meet  
26 the requirements of the order issued on April 9, 2021, which established the current deadlines.  
27 Therefore, the motion to modify the Discovery and Scheduling Order filed by defendants Arnett,  
28 Flores, Gonzales, and Keener 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 June 3, 2021, is GRANTED;
- 5 2. The deadline for the completion of discovery is extended from June 5, 2021 to  
6 **August 5, 2021** for all parties to this action;
- 7 3. The deadline for filing and serving pretrial dispositive motions is extended from  
8 August 5, 2021 to **October 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: **July 1, 2021**

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