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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD DEAN JOHNSON, AND LORI JOHNSON,

Plaintiffs,

vs.

CITY OF ATWATER, et al.,

Defendants.

No. 1:16-cv-01636-AWI-SAB

ORDER DENYING STIPULATION
REQUESTING MODIFICATION OF
SCHEDULING ORDER AS TO FILING
DATE OF DISPOSITIVE MOTION
WITHOUT PREJUDICE

(ECF No. 33)

On January 13, 2016, the scheduling order issued in this action. (AR 9.) Pursuant to the scheduling order, dispositive motions shall be filed by November 15, 2017; the pretrial conference is set for January 24, 2018; and the trial is set for March 20, 2018. (Id.) On October 27, 2017, the parties filed a stipulation to modify the date by which dispositive motions shall be filed and heard in this action. (ECF No. 33.) The parties seek to extend the dispositive motion deadline to December 18, 2017, with a hearing to likely be held on January 22, 2018. (Id.)

The deadlines proposed in the scheduling order do not provide sufficient time between the proposed dates and the pretrial conference to allow the court to hear and decide any dispositive motions. The parties are advised that pursuant to the Local Rules the hearing a motion is to be noticed not less than twenty-eight days after service and filing of the motion. L.R. 230(b). The proposed schedule does not allow the district judge sufficient to time to hear

1 the motion and issue an order addressing the motion prior to the pretrial conference. In order to
2 allow consideration of the motion and for the parties to have time to file a meaningful pretrial
3 statement, the proposed schedule should allow ten weeks between the motion filing deadline
4 and the pretrial conference. Therefore, the stipulation to amend the scheduling order shall be
5 denied.

6 Pursuant to 28 U.S.C. § 636(c), to the parties who have not consented to conduct all further
7 proceedings in this case, including trial, before United States Magistrate Judge Stanley A. Boone,
8 you should be informed that because of the pressing workload of United States district judges and
9 the priority of criminal cases under the United States Constitution, you are encouraged to consent to
10 magistrate judge jurisdiction in an effort to have your case adjudicated in a timely and cost effective
11 manner. The parties are advised that they are free to withhold consent or decline magistrate
12 jurisdiction without adverse substantive consequences.

13 Based on the foregoing, IT IS HEREBY ORDERED that the parties' stipulation to
14 amend the January 13, 2017 scheduling order is DENIED without prejudice.

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16 IT IS SO ORDERED.

17 Dated: October 30, 2017


UNITED STATES MAGISTRATE JUDGE

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