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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MALCOLM TANDY LAMON
STROUD,

Plaintiff,

v.

TED PRUITT, *et al.*,

Defendants.

Case No. 1:17-cv-01659-JLT-BAM (PC)

ORDER GRANTING DEFENDANTS’ MOTION
TO MODIFY SCHEDULING ORDER

(ECF No. 54)

Discovery Deadline: **July 19, 2024**
Dispositive Motion Deadline: **September 27, 2024**

Plaintiff Malcolm Tandy Lamon Stroud, aka Treasure Stroud, (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s first amended complaint against Defendant Pruitt for sexual abuse in violation of the Eighth Amendment and against Defendants Pruitt and Smith for discrimination in violation of the Equal Protection Clause of the Fourteenth Amendment.

Pursuant to the Court’s March 22, 2024 order resetting discovery and dispositive motion deadlines, the deadline for completion of discovery is June 21, 2024, and the deadline for filing all dispositive motions (including any second motion for summary judgment related to the availability of administrative remedies) is August 23, 2024. (ECF No. 51.)

Currently before the Court is Defendants’ motion to modify scheduling order, filed June 3, 2024. (ECF No. 54.) Defendants state that good cause exists for the request because despite exercising due diligence, Defendants are unable to notice and take Plaintiff’s deposition before

1 the close of discovery on June 21, 2024. On May 21, 2024, defense counsel contacted the
2 litigation coordinator at Plaintiff's current institution to schedule Plaintiff's deposition in June,
3 but did not get confirmation from the litigation coordinator that the deposition could proceed on
4 June 11 until May 31, 2024. The June 11 date for the deposition would not provide sufficient
5 time for Defendants to notice the deposition with two weeks' notice. The next date where
6 defense counsel and Plaintiff's home institution may schedule the deposition is June 27, 2024. A
7 deposition is necessary to determine whether a substantive summary judgment motion is
8 appropriate, or to defend this case at trial if a motion for summary judgment is not appropriate or
9 successful. Defendants therefore request that the Court extend the deadline to complete
10 discovery, for the limited purpose of allowing Defendants to take Plaintiff's deposition, until July
11 19, 2024. Defendants further request that the dispositive motion deadline be extended until
12 September 27, 2024. (*Id.*)

13 Plaintiff has not yet had an opportunity to file a response, but the Court finds a response is
14 unnecessary. The motion is deemed submitted. Local Rule 230(1).

15 Having considered the request, the Court finds good cause to grant the requested
16 modification of the scheduling order. Fed. R. Civ. P. 16(b)(4). Defendants are unable to meet the
17 current deadline for taking Plaintiff's deposition, due to delays in scheduling with Plaintiff's
18 institution. It appears Defendants were diligent in attempting to take Plaintiff's deposition before
19 the discovery deadline, and the Court finds that Plaintiff will not be prejudiced by the extension
20 granted here.

21 Accordingly, IT IS HEREBY ORDERED that:

22 1. Defendants' motion to modify the scheduling order, (ECF No. 54), is GRANTED, as
23 follows:

- 24 a. The deadline for completion of all discovery, for the limited purpose of allowing
25 Defendants to take Plaintiff's deposition, is extended from June 21, 2024 to **July**
26 **19, 2024**; and
- 27 b. The deadline for filing all dispositive motions (including any second motion for
28 summary judgment related to the availability of administrative remedies) is

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extended from August 23, 2024 to **September 27, 2024**; and

2. **A request for an extension of a deadline set in this order must be filed on or before the expiration of the deadline in question and will only be granted on a showing of good cause.**

IT IS SO ORDERED.

Dated: June 3, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE