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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11 FRESNO DIVISION

12
13 **DANA SMITHEE, et al.,**

14 Plaintiffs,

15 v.

16 **CA CORRECTIONAL INSTITUTION,**
17 **et al.,**

18 Defendants.

Case No. 1:19-cv-00004-NONE-JLT

**STIPULATION FOR CONTINUANCE
OF SCHEDULING CONFERENCE;
[PROPOSED] ORDER**

(Doc. 94)

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20 The parties hereby stipulate and request that the scheduling conference in this matter,
21 currently set for December 21, 2020 at 9:30 a.m., be continued to January 21, 2021 at 9:30 a.m.
22 A scheduling order may be modified upon a showing of good cause and by leave of Court. Fed.
23 R. Civ. P. 6(b)(1)(A), 16(b)(4); *see also Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604,
24 609 (9th Cir. 1992). Here, Defendant's answer is currently due December 15, 2020, after the
25 parties' joint scheduling report is currently due. (*See* Minute Order, ECF No. 19.) The parties'
26 conference leading to the joint scheduling report cannot be as productive if done before the
27 pleadings are set, which would lead to a less productive scheduling conference. The parties
28 therefore agree to and request that the scheduling conference be continued to January 21, 2021.

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[Proposed] ORDER

Good cause appearing, the parties' stipulation to continue the scheduling conference is GRANTED. The scheduling conference, previously set for December 21, 2020, at 9:30 a.m., is continued to January 21, 2021 at 9:30 a.m.

IT IS SO ORDERED.

Dated: December 11, 2020

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE