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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ERICK EDDIE RODRIGUEZ,  
  
Plaintiff,  
  
v.  
  
M. CATE, et al.,  
  
Defendants.

Case No.: 1:21-cv-00898-NODJ-SKO (PC)  
  
**ORDER GRANTING DEFFENDANTS’  
MOTION TO MODIFY THE DISCOVERY  
AND SCHEDULING ORDER**  
  
(Doc. 50)

Plaintiff Erick Eddie Rodriguez is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983.

**I. INTRODUCTION**

On August 17, 2023, the Court issued its Discovery and Scheduling Order. (Doc. 48.)

On January 8, 2024, Defendants filed a motion to modify the scheduling order, seeking an extension of the dispositive motion filing deadline. (Doc. 50.)

**II. DISCUSSION**

Defendants seek an extension of the dispositive motion filing deadline, presently set for March 18, 2024, to May 17, 2024. (Doc. 50 at 1.) The motion is supported by the declaration of Deputy Attorney General Molly Christ. (*Id.* at 6-7.) Counsel states in November 2023 she began efforts to identify and retain an expert concerning Plaintiff’s claims of arsenic in the water at Kern Valley State Prison. (*Id.* at 6, ¶ 2.) Counsel identified two potential expert witnesses in early

1 December 2023; however, neither was able to provide the services requested. (*Id.* at 6, ¶ 3.)  
2 Following Plaintiff's deposition on December 5, 2023, defense counsel identified an available  
3 expert witness and began the process of contracting for the expert's services. (*Id.* at 6, ¶¶ 4-5.)

4 Counsel states that due to the number of hours anticipated for the expert's record review  
5 and preparation of a report, coupled with his other professional obligations, the expert will require  
6 approximately sixty days to prepare a report. (*Id.* at 6, ¶ 6.) The expert's report will be used to  
7 support a motion for summary judgment. (*Id.* at 6, ¶ 7.) Counsel indicates an extension of the  
8 dispositive motion filing deadline is necessary to accommodate the time required by the expert, as  
9 well as defense counsel's time to prepare the motion for summary judgment following receipt of  
10 the expert's report. (*Id.* at 6, ¶¶ 7-8.) Defense counsel states the motion is not brought for the  
11 purpose of delay or harassment and will not significantly impact the progress of this matter or  
12 unfairly prejudice Plaintiff because the case has not yet been set for trial and no other deadlines  
13 will be affected. (*Id.* at 6, ¶ 8.) Defendants contend good cause exists to extend the dispositive  
14 motion deadline to May 17, 2024. (*Id.* at 4-5.)

15 **III. CONCLUSION AND ORDER**

16 Good cause appearing, **IT IS HEREBY ORDERED** that:

- 17 1. Defendants' motion to modify the discovery and scheduling order (Doc. 50) is  
18 **GRANTED**; and  
19 2. The Discovery and Scheduling Order is **modified** to extend the deadline for filing pre-  
20 trial dispositive motions from March 18, 2024, to **May 17, 2024**.

21 IT IS SO ORDERED.  
22

23 Dated: January 9, 2024

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE