

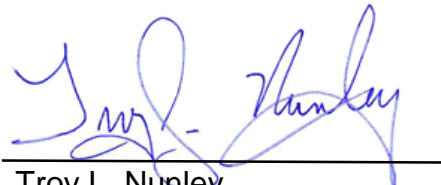


1 standard primarily considers the diligence of the party seeking amendment.” *Id.* at 609. “If that  
2 party was not diligent, the inquiry should end.” *Id.*

3 This is not the first request Plaintiff has made to continue the trial. Plaintiff has repeatedly  
4 requested to move the trial for the same reason as stated here — he is preparing for the other trial.  
5 On February 1, 2017, the Court reset the trial to February 26, 2018, an entire year later, in order  
6 to afford Plaintiff ample time to prepare. (ECF No. 315.) The Court also noted it would look  
7 upon with disfavor any future requests for continuance that raised Plaintiff’s other trial as  
8 justification. (ECF No. 315.) Now nine months later, Plaintiff requests the Court vacate its trial  
9 set for February 26, 2018, and not set any future dates until his other case has gone to trial.  
10 Through his own admission Plaintiff demonstrates he has not been diligent. Plaintiff admits he  
11 has been preparing for his other trial and not preparing for this trial. Accordingly, the Court  
12 cannot find good cause exists to continue the trial. For the reasons set forth above, Plaintiff’s  
13 motion to continue (ECF No. 324.) is hereby DENIED.

14 IT IS SO ORDERED.

15 Dated: December 8, 2017

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Troy L. Nunley  
United States District Judge