

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VERNON WAYNE MCNEAL,
Plaintiff,
v.
EVERT, et al.,
Defendants.

No. 2:05-cv-441-GEB-EFB P

ORDER

Plaintiff is a state proceeding without counsel in an action brought under 42 U.S.C. § 1983. He has filed a motions to amend the schedule to allow plaintiff to seek additional discovery (ECF No. 200) and a request for a “certified student” (ECF No. 202). For the reasons that follow, both motions are denied.

Plaintiff requests relief from the discovery cut-off so that he may inquire into the identities of two individuals who provided him with medical care but whose signatures are illegible in plaintiff’s medical file. ECF No. 200. His request is governed by Federal Rule of Civil Procedure 16(b)(4), which provides that “a schedule may be modified only for good cause[.]” As used in Rule 16, “good cause” means that the party seeking modification of the schedule could not have reasonably complied with the schedule despite his diligence. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). He has failed to meet that standard. In determining whether “good cause” has been shown, the court focuses on the moving party’s

1 reasons for seeking modification of the schedule; “if that party was not diligent, the inquiry
2 should end.” *Id.* Here, plaintiff has provided the court with no reasons why he did not serve a
3 proper discovery request during the time provided in the discovery and scheduling order. As
4 plaintiff has failed to show good cause for not complying with the schedule, his motion to modify
5 it (ECF No. 200) is denied.

6 Plaintiff also requests assistance from a “certified student” application and assistance from
7 a certified student. He cites Local Rule 83-181 but misperceives this rule. Rule 83-181 does not
8 allow the court to appoint a law student to assist or represent a party outside the structure of a
9 supervising attorney who has been appointed to the case. As no such appointment has been made
10 in this case, plaintiff’s request (ECF No. 202) is denied.

11 So ordered.

12 Dated: May 21, 2015.



EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE