

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
EASTERN DISTRICT OF CALIFORNIA

LUELLAR JOHNSON; DORONICA JOHNSON;)
JONATHAN CHAPPELL, a minor, by and)
through his Guardian Ad Litem; and)
ALEXANDRA DORRIS, a minor, by and)
through her Guardian Ad Litem,)
Plaintiffs,)
v.)
STATE OF CALIFORNIA DEPARTMENT)
OF CORRECTIONS (HIGH DESERT STATE)
PRISON),¹)
Defendant.)

2:07-cv-1126-GEB-KJM

ORDER

On December 26, 2008, Defendant filed an ex parte request which effectively seeks to continue the last law and motion hearing date prescribed in the Rule 16 scheduling order. Plaintiff filed an objection to the request on December 26, 2008.

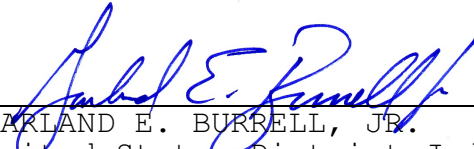
The essence of Defendant's argument is that its counsel did not prepare a motion which could be timely noticed for hearing on the last prescribed law and motion hearing date because counsel

¹ The caption has been changed to reflect dismissal of Does 1-100 in the Order filed September 14, 2007.

1 worked on other cases and was not in his office on certain days.
2 However, Defendant fails to show good cause exists justifying the
3 modification of Rule 16 scheduling order it seeks. Therefore, the
4 request is denied.

5 IT IS SO ORDERED.

6 Dated: January 5, 2009

7
8 
9 _____
GARLAND E. BURRELL, JR.
United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28