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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL A. HUNT,

Plaintiff,

No. CIV S-08-0181 MCE CKD P

vs.

M. REYES, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, filed this action pursuant to 42 U.S.C. § 1983. On December 29, 2011, defendants Field and Rios filed a motion to extend the dispositive motion deadline by forty-five days, from December 30, 2011 to February 13, 2012. (Dkt. No. 61.)

A schedule may be modified upon a showing of good cause. Fed. R. Civ. P. 16(b). Good cause exists when the moving party demonstrates he cannot meet the deadline despite exercising due diligence. Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992). Defendants state that defense counsel took plaintiff’s deposition on November 17, 2011 and received the deposition transcript on December 10, 2011. Defendants further state that, per Federal Rule of Civil Procedure 30(e), plaintiff had until January 4, 2012 to make any changes to his deposition testimony, and that this testimony is necessary to defendants’ motion for summary

1 judgment. Defendants add that defense counsel has been working diligently in completing the
2 summary judgment motion, but needs additional time to acquire declarations from his clients.

3 Good cause having been shown, IT IS HEREBY ORDERED that:

4 1. Defendants' December 29, 2011 motion to modify the scheduling order (Dkt.
5 No. 61) is granted;

6 2. Defendants' dispositive motion is due on or before February 13, 2012.

7 3. Plaintiff filed a dispositive motion on December 20, 2011; however, plaintiff
8 may amend or supplement his summary judgment motion on or before February 13, 2012 if he so
9 chooses.

10 Dated: January 10, 2012

11 
12 CAROLYN K. DELANEY
13 UNITED STATES MAGISTRATE JUDGE

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