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

STEVEN DEXTER BROOKS,

Plaintiff,

No. 2:08-cv-2512 KJM KJN P

vs.

T. FELKER, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding without counsel. On February 6, 2013, defendants filed a motion to modify the scheduling order. Plaintiff has not filed an opposition.

“The district court is given broad discretion in supervising the pretrial phase of litigation.” Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal quotation marks omitted). Rule 16(b) provides that “[a] schedule may be modified only for good cause and with the judge's consent.” Fed. R. Civ. P. 16(b)(4). “The schedule may be modified ‘if it cannot reasonably be met despite the diligence of the party seeking the extension.’” Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting Johnson., 975 F.2d at 607).

On June 14, 2012, the court issued its scheduling order. On September 25, 2012, defendants were granted an extension of time in which to provide discovery responses, and the

1 scheduling order was revised to provide the parties additional time to provide discovery and file  
2 motions to compel discovery responses, if necessary. The pretrial motions deadline was  
3 continued to February 28, 2013.


4 Counsel for defendants states that the previously-assigned Deputy Attorney  
5 General left the Correctional Law Section, and on January 18, 2013, the instant case was  
6 reassigned. The newly-assigned Deputy Attorney General has not had adequate time to review  
7 the pleadings and records, including three bankers boxes of discovery documents, and meet with  
8 the defendants. Despite new counsel's diligence, defendants have been unable to complete all  
9 the work in preparation of filing all pretrial and dispositive motions. Counsel for defendants  
10 avers that a motion for summary judgment would dispose of all, or most of, this case. (Dkt. No.  
11 108-1 at 2.) Moreover, counsel declares that the evidence will show that at least three of the  
12 defendants did not have the authority to end the lockdown at issue here.

13 Based on counsel's declaration, the court finds good cause to extend the  
14 dispositive motions deadline. Discovery is now closed. The dispositive motions filing deadline  
15 is extended to April 29, 2013. If no timely dispositive motion is filed, the court will issue a  
16 further scheduling order.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. Defendants' February 6, 2013 motion (dkt. no. 108) is granted; and  
19 2. The dispositive motions filing deadline is extended from February 28, 2013, to  
20 April 29, 2013.

21 DATED: March 11, 2013

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24 KENDALL J. NEWMAN  
25 UNITED STATES MAGISTRATE JUDGE

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