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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY VINCENT PASSER,
Plaintiff,
v.
DR. STEEVERS, et al.,
Defendants.

No. 2:08-cv-2792 MCE KJN P

ORDER AND REVISED SCHEDULING
ORDER

Plaintiff is a state prisoner proceeding through counsel. On August 31, 2014, plaintiff filed a motion to extend discovery and noticed the motion for hearing on October 2, 2014. Local Rule 230(c) requires that opposition, if any, to the granting of the motion shall be in writing and filed and served not less than fourteen days preceding the hearing date. That deadline has now passed, and defendants have not opposed the motion or otherwise responded. In any event, the court has determined that the matter shall be submitted upon the record; therefore, the date for hearing of this matter shall be vacated. Local Rule 230(g).

“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

1 F.2d at 607).

2 Upon review of the motion, and good cause appearing therefor, IT IS HEREBY
3 ORDERED that:

- 4 1. The October 2, 2014 hearing is vacated;
- 5 2. Plaintiff's motion (ECF No. 108) is granted; and
- 6 3. The scheduling deadlines are extended, nunc pro tunc where appropriate, as follows:
 - 7 a. Defendant Discovery Cut-Off September 16, 2014
 - 8 b. Non-Expert Discovery Cut-Off September 30, 2014
 - 9 c. Expert Disclosure Date August 31, 2014
 - 10 d. Expert Depositions September 30, 2014
 - 11 e. Last Hearing Date for Motions: October 10, 2014

12 Dated: September 24, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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