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

JORGE ROBLES JAUREGUI,

Plaintiff,

No. 2: 10-cv-2283 JAM JFM (PC)

vs.

MATTHEW CATE, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C. § 1983. Two defendants remain in this action, M. Hsieh, M.D., and Jerry W. Weiner, M.D. Defendants are represented by different counsel. On July 5, 2011, both defendants separately answered the complaint. (See Dkt. Nos. 17, 18.)

On November 8, 2011, the court modified the discovery and scheduling order. (See Dkt. No. 45.) The parties were permitted to conduct discovery until June 30, 2012. (See id.) Furthermore, all pretrial motions, except motions to compel discovery were to be filed on or before August 2, 2012. (See id.)

On August 2, 2012, defendant Hsieh filed a motion for summary judgment. (See Dkt. No. 55.) Plaintiff received an extension of time to file a response in opposition to Hsieh’s motion for summary judgment and filed a response on November 26, 2012. (See Dkt.

1 No. 65.) Hsieh filed a reply on November 28, 2012. (See Dkt. No. 66.) Thus, defendant
2 Hsieh's motion for summary judgment is now ripe for adjudication.

3 On January 30, 2013, defendant Jerry W. Weiner filed a motion for summary
4 judgment. Weiner filed his motion for summary judgment almost five months after the court
5 ordered deadline for which a party could file such a motion. (See Dkt. No. 45.) Defendant
6 Weiner has not asked the court for a modification to that deadline. The only way the schedule
7 can be modified is for good cause shown. See Fed. R. Civ. P. 16(b)(4).

8 Accordingly, IT IS HEREBY ORDERED that defendant Jerry W. Weiner, M.D.
9 shall show cause within seven (7) days from the date of this order why the dispositive motion
10 deadline should be modified so as to permit consideration of his January 30, 2013 motion for
11 summary judgment.

12 DATED: January 31, 2013.

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15 UNITED STATES MAGISTRATE JUDGE

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