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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 JEFFREY HENDERSON,

12 Plaintiff,

13 v.

14 DR. R. LANKFORD, et al.,

15 Defendants.
16

No. 2:12-cv-2317 KJN P

ORDER

17 Plaintiff is a state prisoner proceeding without counsel. On July 17, 2014, defendant
18 Lankford filed a document entitled "Request for Extension of Time to Respond to Discovery
19 Requests."¹ On July 28, 2014, plaintiff filed a statement of no objection to defendant's request
20 for extension of time to respond to plaintiff's discovery requests. Good cause appearing,
21 defendant's request is granted. Defendant is granted up to and including September 8, 2014, to
22 serve responses to plaintiff's discovery requests.

23 Buried within defendant's request was a request that the court modify the discovery and
24 scheduling order to continue the deadline for filing pretrial motions to November 20, 2014. (ECF

25 ¹ Counsel for defendant is advised that Local Rule 137(b) requires the separate filing of a
26 proposed order in .pdf format, as well as submission by email of a separate proposed order in
27 Word format to the appropriate judges' email box listed on the Court's website. "Both the
28 submission of the .pdf version and the submission via email to the email box of the assigned
Judge or Magistrate Judge must be accomplished." L.R. 137(b). Here, counsel for defendant did
not file a proposed order on the court docket, and did not email a proposed order in Word format.

1 No. 46 at 2.) Plaintiff's response did not address defendant's request to continue the pretrial
2 motions deadline. (ECF No. 48.)

3 Requests to modify scheduling orders are not routinely addressed as requests for
4 extensions of time; rather, Rule 16(b) provides that "[a] schedule may be modified only for good
5 cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "The schedule may be modified
6 'if it cannot reasonably be met despite the diligence of the party seeking the extension.'"

7 Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting
8 Johnson, 975 F.2d at 607).

9 Defendant failed to address Rule 16(b) of the Federal Rules of Civil Procedure, and failed
10 to address the fact that the court previously modified the scheduling order on June 26, 2014.
11 (ECF No. 39.) Therefore, defendant Lankford's request to modify the scheduling order is denied
12 without prejudice.

13 Accordingly, IT IS HEREBY ORDERED that:


14 1. Defendant's request for extension of time to respond to discovery (ECF No. 46) is
15 granted;

16 2. Defendant shall serve responses to plaintiff's discovery requests on or before
17 September 8, 2014; and

18 3. Defendant's request to modify the scheduling order (ECF No. 46) is denied without
19 prejudice.

20 Dated: July 31, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE