

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN HARDNEY,  
Plaintiff,  
v.  
G. PHILLIPS, et al.,  
Defendants.

No. 2:13-cv-2371 TLN CKD P

ORDER

Defendants have requested a one-week extension of the February 6, 2015 discovery deadline in order to take plaintiff’s deposition, citing logistical issues at the prison where the deposition will take place. (ECF No. 45.) Pursuant to Federal Rule of Civil Procedure 16(b), a scheduling order “may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). The “good cause” standard “primarily considers the diligence of the party seeking the amendment.” Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992). The district court may modify the scheduling order “if it cannot reasonably be met despite the diligence of the party seeking the extension.” Id.

///  
///  
///  
///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Good cause appearing, IT IS HEREBY ORDERED that:

1. Defendants' request for an extension of time (ECF No. 45) is granted; and
2. The discovery deadline is extended until February 13, 2015, such that defendants may take plaintiff's deposition up to and including that date.

Dated: January 22, 2015

  
\_\_\_\_\_  
CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

2 / hard2371.36