

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

SCOTT JOHNSON,

Plaintiff,

v.

CUONG V. HUA,

Defendant.

No. 2:14-cv-1147-JAM-EFB

ORDER

On June 5, 2015, plaintiff filed a motion to compel defendant to respond to plaintiff’s Request for Production of Documents and Interrogatories. ECF No. 11. Plaintiff noticed the motion for hearing on July 8, 2015. *Id.*

On July 31, 2014, the court issued a pretrial scheduling order, which provides that all discovery shall be completed by June 29, 2015. ECF No. 9 at 2. The order states that “‘completed’ means that all discovery shall have been conducted so that all depositions have been taken and any disputes related to discovery shall have been resolved by appropriate order if necessary, and, where discovery has been ordered, the order has been complied with.” *Id.* The order further provides that all “[m]otions to compel discovery must be noticed on the undersigned’s calendar in accordance with Local Rules and must be heard not later than May 27, 2015.” *Id.* at 2-3.

////

1 Thus, plaintiff's motion to compel is untimely. Furthermore, it does not appear from the
2 motion that there is good cause for amending the pretrial order. *See* Rule 16(b)(4) ("A schedule
3 may be modified only for good cause and with the judge's consent"); *Johnson v. Mammoth*
4 *Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). Accordingly, plaintiff's motion to compel
5 (ECF No. 11) is denied and the hearing thereon is vacated.

6 So Ordered

7 DATED: June 10, 2015.



8 EDMUND F. BRENNAN
9 UNITED STATES MAGISTRATE JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28