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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DERRICK OWENS,

 Plaintiff,

 v.

JACKIE CLARK, et al.,

 Defendants.

No. 2:15-cv-0982 TLN KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se. On June 2, 2017, plaintiff filed a motion to modify the scheduling order to extend the deadline for discovery by sixty days based on defense counsel’s statement of unavailability from May 15, 2017, through June 5, 2017. (ECF No. 52 at 2, 3-4.) Under the discovery and scheduling order, the deadline for discovery was set for June 5, 2017. However, because defense counsel was not available, plaintiff was unable to complete discovery as to defendant Ko. Despite plaintiff’s due diligence, he will be unable to comply with the June 5, 2017 deadline.


“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

1 'if it cannot reasonably be met despite the diligence of the party seeking the extension.'"
2 Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting
3 Johnson, 975 F.2d at 607).

4 Plaintiff has demonstrated good cause and diligence to extend the discovery deadline.
5 Due to the extension of the discovery deadline, the pretrial motions deadline will also be
6 extended. Plaintiff is cautioned that he must pursue discovery without further delay as the court
7 is not inclined to grant further extensions of these deadlines. Accordingly, IT IS HEREBY
8 ORDERED that:

- 9 1. Plaintiff's motion (ECF No. 52) is granted;
 - 10 2. The June 5, 2017 discovery deadline is extended to September 15, 2017;
 - 11 3. The September 5, 2017 pretrial motions deadline is extended to December 15, 2017;
- 12 and
- 13 4. In all other respects, the February 1, 2017 discovery and scheduling order remains in
14 intact.

15 Dated: July 13, 2017

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18 KENDALL J. NEWMAN
19 UNITED STATES MAGISTRATE JUDGE

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