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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONNY STEWARD,

Plaintiff,

v.

G. THUMSER, et al.,

Defendants.

No. 2:16-cv-1232 TLN KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel. On December 4, 2018, defendants filed a motion to modify the scheduling order to extend the deadline for dispositive motions, due to the pendency of defendants’ motion to dismiss this action as a discovery sanction based on plaintiff’s failure to cooperate in discovery, plaintiff’s motion to amend, and as other motions.

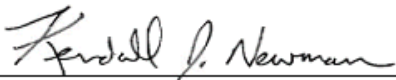
“The district court is given broad discretion in supervising the pretrial phase of litigation.” Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal quotation marks omitted). Rule 16(b) provides that “[a] schedule may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). “The schedule may be modified ‘if it cannot reasonably be met despite the diligence of the party seeking the extension.’” Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting Johnson, 975 F.2d at 607).

1 Due to the pending motions, the court finds good cause to vacate the December 13, 2018
2 deadline to file pretrial motions. The court will reset such deadline, if appropriate, following the
3 court's ruling on the pending motions. In all other respects, the discovery and scheduling orders
4 previously issued remain in effect.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Defendants' motion (ECF No. 79) is granted; and
- 7 2. The December 13, 2018 pretrial motions deadline is vacated.

8 Dated: December 13, 2018

9 
10 KENDALL J. NEWMAN
11 UNITED STATES MAGISTRATE JUDGE
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