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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BRIAN DEVERICK LEWIS,  
Plaintiff,  
v.  
CATES, et al.,  
Defendants.

Case No.: 15cv791-DMS-MDD

**ORDER DENYING  
PLAINTIFF'S MOTION TO  
MODIFY THE SCHEDULING  
ORDER**

**[ECF No. 22]**


On June 28, 2017, Plaintiff filed a motion to modify the Scheduling Order. (ECF No. 22). Plaintiff notes that July 10, 2017, is the deadline by which all discovery must be completed in this matter and requests an additional 60 days to meet his discovery obligations. Plaintiff states he “is currently attempting to respond to Defendants [sic] discovery request as well as completing his discovery request for multiple Defendants in this matter.” (*Id.* at 2). He attaches a declaration stating that he “need[s]” the additional time to fulfill his discovery obligations. (*Id.* at 3).

1 District Courts have broad discretion to “manage the discovery  
2 process to facilitate prompt and efficient resolution of the lawsuit.”  
3 *Crawford–El v. Britton*, 523 U.S. 574, 599 (1988). Scheduling Orders  
4 are issued pursuant to Rule 16(b) of the Federal Rules of Civil  
5 Procedure to limit the time to join parties, amend pleadings, complete  
6 discovery and file motions. FED. R. CIV. P. 16(b)(1)-(3). Once in place,  
7 “[a] schedule may be modified only for good cause and with the judge's  
8 consent.” FED. R. CIV. P. 16(b)(4). The “good cause” requirement  
9 primarily considers the diligence of the party seeking the amendment.  
10 *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir.  
11 1992). A party demonstrates good cause for the modification by  
12 showing that, even with the exercise of due diligence, he was unable to  
13 meet the deadlines set forth in the order. *See Zivkovic v. So. Cal.*  
14 *Edison Co.*, 302 F.3d 1080, 1087–88 (9th Cir. 2002).

15 Plaintiff has not shown good cause for modifying the Scheduling  
16 Order. He does not identify what discovery has been completed, what  
17 discovery remains pending, why the pending discovery has not already  
18 been completed, or what discovery Plaintiff intends to complete if an  
19 extension were granted. Accordingly, Plaintiff’s motion is **DENIED**  
20 without prejudice.

21 **IT IS SO ORDERED.**

22 Dated: July 6, 2017

23   
24 Hon. Mitchell D. Dembin  
25 United States Magistrate Judge