

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 07-cv-02697-MSK-BNB

KHALFAN KHAMIS MOHAMMED,

Plaintiff,

v.

MICHAEL MUKASEY, The U.S. Attorney Gen.,  
HARLEY LAPPIN, Director of BOP,  
HARRELL WATTS, Administr. Of National Inmate Appeals,  
RONALD WILEY, ADX Warden, and  
FEDERAL BUREAU OF INVESTIGATION, "FBI",

Defendants.

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**ORDER**

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This matter is before me on the following motions filed by the defendants:

**1. Defendants' Motion for Order Allowing . . . Extension of Related Deadlines**

[Doc. #125, filed 04/03/2009] (the "Motion for Extension"), and

**2. Request for a Forthwith Ruling on Defendants' Motion . . . .** [Doc. #130, filed 04/10/2009] (the "Forthwith Motion").

On September 11, 2008, the plaintiff sought leave to file an amended complaint. [Doc. #52.] I recommended that the plaintiff's motion to amend be denied [Doc. #67, filed 10/28/2008], but the district judge rejected my recommendation [Doc. #92, filed 3/2/2009] and permitted the plaintiff to file his proposed amended complaint.

The defendants seek to modify the Scheduling Order to accommodate the expanded claims set forth in the plaintiff's Amended Complaint. Specifically, the defendants seek an order

(1) permitting them to designate Imam Ammor Amonette as an expert witness and Captain Harvey G. Church as a potential expert witness; (2) extending the discovery deadline to August 1, 2009, to allow the plaintiff to conduct additional limited discovery regarding these experts; (3) extending the dispositive motion deadline to September 1, 2009; and (4) vacating the Final Pretrial Conference.

The discovery cut-off and the deadline for designating experts have elapsed. [Doc. #40 and #77.] The dispositive motion deadline is April 30, 2009 [Doc. #77], and the Final Pretrial Conference is set for July 2, 2009. [Doc. #41.]

Rule 16(b)(4), Fed. R. Civ. P., allows a scheduling order to be modified upon a showing of good cause. When an enlargement of time is sought after expiration of a specified deadline, the movant must show that “the failure to act was the result of excusable neglect.” Fed. R. Civ. P. 6(b).

Because the plaintiff was allowed to amend his complaint to expand his claims, I find that the defendants’ request to modify the Scheduling Order should be granted. However, the Final Pretrial Conference is set on the calendar of the district judge, and I cannot alter that setting. Accordingly,

IT IS ORDERED that the Forthwith Motion is GRANTED.

IT IS FURTHER ORDERED that the Motion for Extension is GRANTED to the following extent:

(1) To allow defendants to designate Imam Ammor Amonette and Captain Harvey G. Church as expert witnesses;

(2) To extend the discovery cut-off to August 4, 2009, for the limited purpose of allowing the plaintiff to conduct discovery regarding these experts; and

(3) To extend the dispositive motion deadline to September 1, 2009.

IT IS FURTHER ORDERED that the defendants shall provide to the plaintiff on or before June 1, 2009, if at all, all information specified in Fed. R. Civ. P. 26(a)(2) concerning Imam Ammor Amonette and Captain Harvey G. Church.

IT IS FURTHER ORDERED that on or before July 1, 2009, the plaintiff may submit a total of ten interrogatories directed to the opinions, qualifications, and methodologies of Imam Ammor Amonette and Captain Church.

IT IS FURTHER ORDERED that the request to vacate the Final Pretrial Conference remains extant with the district judge.

Dated April 14, 2009.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge