



(PC) McClure v. Chen, et al.

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EASTERN DISTRICT OF CALIFORNIA

GEORGE MCCLURE, Plaintiff, vs. C.K. CHEN, et al., Defendants.

Case No.: 1:14-cv-00932 DAD DLB PC ORDER GRANTING REQUEST TO MODIFY
SCHEDULING ORDER [ECF No. 25]

Plaintiff George McClure is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On March 14, 2016, Defendants filed a request to modify the discovery and scheduling order. Modification of the pretrial scheduling order requires a showing of good cause. Fed. R. Zivkovic v. Southern California Edison Co., 302

F.3d 1080, 1087 (9th Cir. 2002) (quoting Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, not diligent, the inquiry should Id. 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

Defendants state that good cause exists to vacate the current deadline for initial disclosures, because Defendants will be filing a dispositive motion on or about March 25, 2016, that could potentially dispose of the entire case. Defendants state the motion for summary judgment will be based on failure to state a claim, failure to exhaust administrative remedies, and qualified immunity. Given that the motion may dispose of some claims or the entire case, it will be unclear to the parties what, if any, issues will remain for the purposes of proceeding with initial disclosures. In light of the above, the Court finds good cause to modify the scheduling order.

Accordingly, request to modify the Discovery and Scheduling Order is GRANTED. The existing initial disclosure deadline is VACATED pending a ruling on

IT IS SO ORDERED. Dated: March 19, 2016 /s/ Dennis L. Beck UNITED STATES MAGISTRATE
JUDGE

