ROB BONTA, State Bar No. 202668
Attorney General of California
JON S. ALLIN, State Bar No. 155069
Supervising Deputy Attorney General
GARRETT L. SEUELL, State Bar No. 323175
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 210-6144
Fax: (916) 324-5205
E-mail: Garrett.Seuell@doj.ca.gov
Attorneys for Defendants
G. Valencia, L. Cantu, T. Cooper, C. Weaver,
K. Luther, L. Hadden, J. Cantu, J. Vega,
T. Coker and J. Charon

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

JOHN MCCLINTOCK, Plaintiff, **v.** **G. VALENCIA, et al.,** Defendants.	2:22-cv-1884 KJM CSK P **~~[PROPOSED]~~ ORDER AND REVISED SCHEDULING ORDER**

Plaintiff is a state prisoner proceeding pro se. On April 17, 2025, defendants filed a motion to modify the discovery and scheduling order. (ECF No. 46.) As discussed below, defendants' motion is granted.

Governing Standards

"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

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'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).

Discussion

The parties have met and conferred concerning plaintiff's responses to defendants' interrogatories and request for production of documents, and defendants anticipate filing a motion to compel discovery responses. In addition, plaintiff's motion to compel discovery is pending. Defendants seek to extend discovery solely as to these pending discovery disputes inasmuch as the written discovery deadline expired on March 3, 2025, and defendants need the additional discovery before taking plaintiff's deposition. The Court finds that the parties have been diligent in seeking discovery, and defendants have shown good cause to modify the scheduling order.

ORDER

Good cause appearing, IT IS HEREBY ORDERED that:

1. Defendants' motion (ECF No. 46) is granted.

2. The deadlines to file a motion to compel and to depose plaintiff are extended to July 1, 2025. The deadline to file dispositive motions is extended to August 29, 2025.

3. In all other respects, discovery is closed, and the scheduling and discovery order (ECF No. 41) remains in effect unless otherwise modified by the Court.

Dated: 04/18/25

CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE

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