UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DeWAYNE THOMPSON, Plaintiff, v. P. KUPPINGER, et al., Defendants.	No. 2:23-cv-00463-DJC-EFB (PC) ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought pursuant to 42 U.S.C. § 1983. He has filed a motion seeking to extend the discovery deadline from December 20, 2024 to February 3, 2025 to allow defendants additional time to respond to some of his discovery requests. ECF No. 32. Defendants have filed a statement of non-opposition to the proposed extension. ECF No. 33.

Federal Rule of Civil Procedure 16(b)(4) provides: "A schedule may be modified only for good cause and with the judge's consent." Courts considering a request to modify a schedule under Rule 16(b)(4) look primarily to the whether the party seeking modification could not reasonably meet the deadline despite his diligence. *Johnson v. Mammoth Recreations*, 975 F.2d 604, 609 (9th Cir. 1992). While the focus is primarily on the moving party's diligence, "the existence or degree of prejudice to the party opposing the motion might supply additional reasons to deny" the requested modification. *Id.*

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Plaintiff has shown good cause for the requested modification to the schedule. Accordingly, it is hereby ORDERED that:

1. Plaintiff's motion to modify the schedule (ECF No. 32) is GRANTED.
2. The schedule set by the current scheduling order (ECF No. 28) is modified as follows:
    a. The parties may conduct discovery until February 2, 2025.
    b. Any discovery motions must be filed on or before February 2, 2025.

Dated: January 21, 2025

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE