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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 **JEAN-MAX DARBOUZE,**

12 Plaintiff,

13 v.
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15 **SPENCER, et al.,**

16 Defendants.
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Case No. 2:23-cv-1419 WBS CSK P

**~~PROPOSED~~ ORDER GRANTING
DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO COMPLETE
DISCOVERY AND REVISED
SCHEDULING ORDER**

18 Plaintiff is a state inmate proceeding pro se in this civil rights action pursuant to 42 U.S.C.
19 § 1983. Defendants J. Spencer, Ph.D. and Dr. R. Kim move to extend time to complete fact
20 discovery by approximately thirty days, up to and including August 6, 2025, and to extend the
21 deadline for the parties to file any motions necessary to compel discovery by that date. (ECF No.
22 58.) As set forth below, the Court finds good cause for the requested extension and grants
23 defendants' request.

24 I. BACKGROUND

25 Plaintiff alleges that while he was housed at High Desert State Prison defendants
26 Dr. Spencer and Dr. Kim were deliberately indifferent to plaintiff's serious mental health and
27 medical needs. (ECF No. 1.) Defendant Spencer filed an answer on October 16, 2024. (ECF No.
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1 37.) A discovery and scheduling order issued on November 13, 2024; the discovery deadline was
2 set for March 7, 2025, and the pretrial motions deadline was set for May 30, 2025. (ECF No. 41.)

3 Due to difficulties in clarifying defendant Kim's true name, service of process on
4 defendant Kim case was delayed. Defendant Kim waived service on January 17, 2025. (ECF No.
5 48.) On February 19, 2025, defendant Kim filed a motion to dismiss plaintiff's official capacity
6 claims. (ECF No. 49.) This Court recommended the motion be granted, and on April 28, 2025,
7 the district court adopted the findings and recommendations in full and dismissed plaintiff's
8 claims against defendant Kim in his official capacity. (ECF Nos. 51, 55.)

9 In addition, defendant Kim sought a first extension of the discovery and pretrial motions
10 deadlines. On March 5, 2025, the extension was granted, and the discovery deadline was
11 extended to July 7, 2025, and the pretrial motions deadline was extended to September 29, 2025.
12 (ECF No. 50.)

13 Defendant Kim filed an answer on May 12, 2025. (ECF No. 57.)

14 Defendant Spencer now files a first motion to extend the discovery and pretrial motions
15 deadline, and this is defendant Kim's second request. (ECF No. 58.) Due to the late service on
16 defendant Kim, defendant Kim has not had an opportunity to receive discovery responses because
17 they are not due until July 10, 2025, and the discovery deadline expires three days later. (*Id.* at
18 3.) In addition, despite their diligence, defendants have been unable to complete plaintiff's
19 deposition due to staff constraints and time restraints at Mule Creek State Prison. (*Id.*)
20 Defendants have noticed plaintiff's continued deposition for June 25, 2025, and aver that the
21 deposition may reveal witnesses or documents requiring additional discovery. (*Id.*)

22 II. GOVERNING STANDARDS

23 "The district court is given broad discretion in supervising the pretrial phase of litigation."
24 Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal
25 quotation marks omitted). Rule 16(b) provides that "[a] schedule may be modified only for good
26 cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "The schedule may be modified
27 'if it cannot reasonably be met despite the diligence of the party seeking the extension.'"

1 Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting
2 Johnson, 975 F.2d at 607).

3 III. DISCUSSION

4 The Court finds that defendants have been diligent in conducting discovery and have
5 shown good cause to extend the discovery deadline. The July 7, 2025 discovery deadline is
6 extended to August 6, 2025. Defendants did not seek an extension of the pretrial motions
7 deadline, currently set for September 29, 2025.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. Defendants' motion for extension of time (ECF No. 58) is granted. The discovery
10 deadline is extended to August 6, 2025, as follows: (a) the period of time for the parties to
11 complete fact discovery is extended by thirty days, up to and including August 6, 2025; and
12 (b) the period of time for the parties to file any motions necessary to compel discovery is
13 extended by thirty days, up to and including August 6, 2025.

14 2. The pretrial motions deadline remains September 29, 2025.

15 3. In all other respects, the Discovery and Scheduling Order (ECF No. 41) remains in
16 effect.

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18 Dated: June 17, 2025

19 
20 CHI SOO KIM
21 UNITED STATES MAGISTRATE JUDGE

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