

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Stevens v. Martinez

Stevens v. Martinez · No. 1:21-cv-01144-JLT-SKO (PC) · Decided April 2, 2025

OPINION

(PC) Stevens v. Martinez

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 LYRALISA LAVENA STEVENS, Case No. 1:21-cv-01144-JLT-SKO (PC) 12 Plaintiff,
ORDER GRANTING DEFENDANTS’

MOTION TO VACATE THE DEADLINE

13 v. FOR FILING DISPOSITIVE MOTIONS

PENDING RESOLUTION OF MOTION

14 C. MARTINEZ, FOR TERMINATING SANCTIONS

15 Defendant. (Doc. 49) 16 17 Plaintiff Lyralisa Lavena Stevens is proceeding pro se in this civil
rights action pursuant 18 to 42 U.S.C. § 1983. This action proceeds against Defendants Martinez
and Peterson for 19 violations of Plaintiff’s constitutional rights.

20 I. BACKGROUND

21 The Court issued its Discovery and Scheduling Order on April 1, 2024. (Doc. 37.) On
22 December 17, 2024, the Court issued its Order Granting Defendant Peterson’s Motion
23 to Compel. (Doc. 45.) Plaintiff was ordered to “respond to Peterson’s Request for Production
No. 24 4, no later than 21 days from the date of service of this order, by providing responsive
documents, 25 or a written response indicating she is not in possession of any documents
responsive to request 26 number 4” (Id. at 5.) 27 On February 25, 2025, the Court granted
Defendants’ second motion to modify the 1 On March 28, 2025, Defendants filed a Motion for
Terminating Sanctions. (Doc. 48.) 2 Plaintiff’s opposition or statement of non-opposition to this
motion is due by April 18, 2025, plus 3 time for mailing. 4 On April 1, 2025, Defendants filed a
Motion to Vacate Deadlines Pending Decision on 5 Motion for Terminating Sanctions.1 (Doc. 49.)
The Court finds a response by Plaintiff to be 6 unnecessary and will consider the instant motion.

7 II. DISCUSSION

8 Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, a scheduling order “may 9 be
modified only for good cause and with the judge's consent.” Fed. R. Civ. P. 16(b)(4). This 10 good
cause standard “primarily considers the diligence of the party seeking the amendment.” 11

Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992). The court may modify the scheduling order “if it cannot reasonably be met despite the diligence of the party seeking the extension.” Id. If the party was not diligent, the inquiry should end. Id. Defendants assert Plaintiff’s failure to participate in discovery proceedings and to comply with the Court’s Order granting Defendant Peterson’s motion to compel warrants granting the motion to vacate the remaining deadline for the filing of dispositive motions. (Doc. 49 at 3.) They contend they cannot adequately prepare a merits-based dispositive motion without reviewing the Gender Identity Questionnaire that was the subject of their motion to compel. (Id.) Defense counsel states that following the Court’s December 17, 2024, order granting Defendant Peterson’s motion to compel, Plaintiff failed to submit the required response, and as of the date of this motion, Defendants still have not received the information from Plaintiff. (Doc. 49-1 at 2, ¶ 10.) Counsel contends the motion for terminating sanctions may dispose of this action, and therefore, vacating the May 22, 2025, dispositive motion filing deadline is in the best interest of judicial efficiency and economy. (Id., ¶ 11.) The Court finds Defendants have demonstrated good cause for a modification of the scheduling order. The Court will vacate the remaining deadline for filing merits-based dispositive motions. The only deadline remaining pertains to the filing of merits-based dispositive motions. All other discovery motions until the motion for terminating sanctions is resolved. The Court will then reset the deadline, if needed.

III. CONCLUSION AND ORDER

For the foregoing reasons, the Court HEREBY ORDERS: 1. Defendants’ motion to vacate the dispositive motion deadline (Doc. 49) is GRANTED; and 2. The May 22, 2025, deadline for filing dispositive motions is VACATED. The deadline will be reset, if needed, following resolution of Defendants’ pending motion for terminating sanctions. IT IS SO ORDERED. Dated: April 2, 2025 /s/ Sheila K. Oberto .

UNITED STATES MAGISTRATE JUDGE

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