

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Andrew Vasquez v. Eilya Moghaddam, et al.

No. 2:19-cv-01283 TLN AC, United States District Court for the Eastern District of California (March 21, 2025)

SUMMARY

The United States District Court for the Eastern District of California partially granted and partially denied Plaintiff Andrew Vasquez’s motion concerning a settlement conference, discovery, and pretrial proceedings. The court ordered a settlement conference, denied the requests to reopen discovery and set a pretrial conference, vacated the existing pretrial deadlines, and maintained the July 28, 2025 jury trial date.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 21, 2025
DOCKET	2:19-cv-01283 TLN AC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se in a 42 U.S.C. § 1983 action, moved for a settlement conference, to reopen and compel discovery, and for a pretrial conference. The magistrate judge granted the motion in part and denied it in part.
STANDARD OF REVIEW	The court applied the Ninth Circuit's factors for amending a scheduling order to reopen discovery, including the imminence of trial, opposition, prejudice, diligence, foreseeability of the need for additional discovery, and the likelihood that further discovery would produce relevant evidence.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Andrew Vasquez v. Eilya Moghaddam, Mallot, Wheeler, Perez

TOPICS

- discovery dispute
- mediation
- civil procedure
- summary judgment
- section 1983

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

QUESTIONS PRESENTED

1. Whether the court should schedule a settlement conference.
2. Whether plaintiff established a basis to reopen and compel discovery after the discovery deadline had passed.
3. Whether the court should set or otherwise modify the pretrial conference and pretrial statement deadlines.

HOLDINGS

1. The court granted plaintiff's request for a settlement conference because no prior settlement conference had been held and the renewed request made a settlement conference appropriate.
2. The court denied plaintiff's request to reopen and compel discovery because plaintiff provided no basis for reopening discovery at that stage of the litigation.
3. The court denied plaintiff's request to set a pretrial conference and vacated the existing pretrial conference date and pretrial statement deadlines, while directing that the conference and deadlines be reset on the papers if the case did not settle.

KEY QUOTATIONS

“To amend a scheduling order to reopen discovery, courts in the Ninth Circuit consider: “1) whether trial is imminent; 2) whether the request is opposed; 3) whether the non-moving party would be prejudiced; 4) whether the moving party was diligent in obtaining discovery within the guidelines established by the court; 5) the foreseeability of the need for additional discovery; and 6) the likelihood further discovery will lead to relevant evidence.”” (at 2)

“This case shall proceed to trial solely on the issue of whether Defendant Officer Wheeler was deliberately indifferent to Plaintiff’s safety and medical needs when he transported plaintiff improperly and drove recklessly in a manner that caused pain and injury.” (at 2)

FACTUAL BACKGROUND

Plaintiff is a state prisoner pursuing deliberate-indifference claims under 42 U.S.C. § 1983. Following partial summary judgment, the case remained set for trial solely on whether Officer Wheeler was deliberately indifferent to plaintiff's safety and medical needs during transportation. Discovery had closed, no settlement conference had previously occurred, and the trial and pretrial deadlines were approaching.

PROCEDURAL HISTORY

After screening, the court permitted amendment and allowed claims concerning deliberate indifference to medical needs and safety to proceed against several defendants. The parties completed the applicable discovery period, defendants obtained partial summary judgment, and the case was limited to claims against Officer

Wheeler concerning deliberate indifference to plaintiff's safety and medical needs during transportation. Plaintiff then renewed his request for a settlement conference and sought to reopen discovery and schedule a pretrial conference. The court granted a settlement conference, denied reopening and compelling discovery, vacated the existing pretrial deadlines, and left the July 28, 2025 jury trial unchanged.

DISPOSITION

other

CASES CITED

- City of Pomona v. SQM N. Amer. Corp., 866 F.3d 1060, 1066 (9th Cir. 2017)

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