

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

John McClintock v. G. Valencia, et al.

McClintock v. Valencia · No. 2:22-cv-01884-KJM-CSK · Decided April 21, 2025

SUMMARY

This document is a proposed order and revised scheduling order in a federal civil rights action brought by a state prisoner. The court grants defendants’ motion to modify the discovery and scheduling order, extends the deadlines for discovery motions and plaintiff’s deposition to July 1, 2025, and extends the dispositive-motion deadline to August 29, 2025. All other provisions of the existing scheduling order remain in effect.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                      |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                                                                                                                                                  |
| WRITING FOR THE COURT | Chi Soo Kim                                                                                                                                                                                                                                                                                          |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                                                                                                                                                  |
| DECIDED               | April 21, 2025                                                                                                                                                                                                                                                                                       |
| DOCKET                | 2:22-cv-01884-KJM-CSK                                                                                                                                                                                                                                                                                |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Defendants moved to modify the discovery and scheduling order under Federal Rule of Civil Procedure 16(b)(4). The court granted the motion and entered a revised scheduling order.                                                                                                                   |
| STANDARD OF REVIEW    | The district court has broad discretion in supervising the pretrial phase of litigation. A scheduling order may be modified only for good cause and with the judge's consent; good cause exists when the schedule cannot reasonably be met despite the diligence of the party seeking the extension. |
| PRECEDENTIAL VALUE    | Nonprecedential district-court scheduling order                                                                                                                                                                                                                                                      |

TOPICS

- discovery dispute
- civil procedure

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether defendants demonstrated good cause and diligence sufficient to modify the discovery and scheduling order under Federal Rule of Civil Procedure 16(b)(4).
2. What discovery and dispositive-motion deadlines should be established in the revised scheduling order.

## HOLDINGS

1. Defendants demonstrated diligence and good cause under Federal Rule of Civil Procedure 16(b)(4) to modify the scheduling order for the pending discovery disputes.
2. The deadlines to file a motion to compel and to depose plaintiff were extended to July 1, 2025, and the deadline to file dispositive motions was extended to August 29, 2025; all other discovery remained closed.

## KEY QUOTATIONS

*“The district court is given broad discretion in supervising the pretrial phase of litigation.”* (at 1)

*“A schedule may be modified only for good cause and with the judge’s consent.”* (at 1)

*“The schedule may be modified if it cannot reasonably be met despite the diligence of the party seeking the extension.”* (at 1)

## FACTUAL BACKGROUND

The parties had met and conferred regarding plaintiff's responses to defendants' interrogatories and requests for production. Defendants anticipated filing a motion to compel, and plaintiff's motion to compel was already pending. Although the written-discovery deadline had expired on March 3, 2025, defendants sought additional discovery limited to those disputes before deposing plaintiff.

## PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding pro se, brought a civil-rights action against state defendants. After the written-discovery deadline expired, defendants moved to modify the scheduling order to permit additional discovery concerning pending discovery disputes before plaintiff's deposition. The court found diligence and good cause, granted the motion, and extended specified deadlines while leaving the remainder of the scheduling order in effect.

## DISPOSITION

other

## CASES CITED

- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992)

- Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002)

## OPINION

(PC) McClintock v. Valencia

PER CURIAM.

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J. Cantu, J. Vega, T. Coker and J. Charon 9

10 IN THE UNITED STATES DISTRICT COURT

11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12 SACRAMENTO DIVISION

13 14

JOHN MCCLINTOCK, 2:22-cv-1884 KJM CSK P

15 Plaintiff,

[PROPOSED] ORDER AND REVISED

16

v. SCHEDULING ORDER

17 G. VALENCIA, et al., 18 Defendants. 19 20 Plaintiff is a state prisoner proceeding pro se. On  
April 17, 2025, defendants filed a motion 21 to modify the discovery and scheduling order. (ECF  
No. 46.) As discussed below, defendants' 22 motion is granted. 23 Governing Standards 24 "The  
district court is given broad discretion in supervising the pretrial phase of litigation." 25 Johnson v.  
Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal 26 quotation  
marks omitted). Rule 16(b) provides that "[a] schedule may be modified only for good 27 cause  
and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "The schedule may be modified 28 1 | 'if it  
cannot reasonably be met despite the diligence of the party seeking the extension.'" 2 || Zivkovic v.  
Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting 3 | Johnson, 975  
F.2d at 607). 4 | Discussion 5 The parties have met and conferred concerning plaintiff's responses  
to defendants' 6 || interrogatories and request for production of documents, and defendants  
anticipate filing a motion 7 || to compel discovery responses. In addition, plaintiff's motion to  
compel discovery is pending. 8 | Defendants seek to extend discovery solely as to these pending  
discovery disputes inasmuch as 9 || the written discovery deadline expired on March 3, 2025, and  
defendants need the additional 10 || discovery before taking plaintiffs deposition. The Court finds  
that the parties have been diligent 11 | mn seeking discovery, and defendants have shown good  
cause to modify the scheduling order.

12 ORDER

13 Good cause appearing, IT IS HEREBY ORDERED that: 14 1. Defendants' motion (ECF No. 46) is granted. 15 2. The deadlines to file a motion to compel and to depose plaintiff are extended to July 1, 16 || 2025. The deadline to file dispositive motions is extended to August 29, 2025. 17 3. In all other respects, discovery is closed, and the scheduling and discovery order (ECF 18 | No. 41) remains in effect unless otherwise modified by the Court. 19 || Dated: 04/18/25 C (i s  
20 CHI S00 KIM  
UNITED STATES MAGISTRATE JUDGE  
22 23 24 55 /V/mecl1 884.166 26 27 28