

**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.

OPINION

(PC) McClintock v. Valencia

PER CURIAM.

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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 plaintiff's 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

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UNITED STATES MAGISTRATE JUDGE

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