

**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

OPINION

(PC) McClintock v. Valencia

PER CURIAM.

1 ROB BONTA, State Bar No. 202668 Attorney General of California 2 JON S. ALLIN, State Bar
No. 155069 Supervising Deputy Attorney General 3 GARRETT L. SEUELL, State Bar No.
323175 Deputy Attorney General 4 1300 I Street, Suite 125 P.O. Box 944255 5 Sacramento, CA
94244-2550 Telephone: (916) 210-6144 6 Fax: (916) 324-5205 E-mail: Garrett.Seuell@doj.ca.gov
7 Attorneys for Defendants G. Valencia, L. Cantu, T. Cooper, C. Weaver, 8 K. Luther, L. Hadden,
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