

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Parker v. N. West

Parker · No. 2:22-cv-2015 CSK P · Decided April 21, 2025

SUMMARY

The United States District Court for the Eastern District of California grants the defendant’s third motion to modify the discovery and scheduling orders. The court finds good cause based on continued difficulties scheduling the deposition of incarcerated witness Durrell Puckett and extends the deadline for the deposition and any related motion to compel through May 28, 2025; no other deadlines are affected.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
DECIDED	April 21, 2025
DOCKET	2:22-cv-2015 CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for a third modification of the discovery and scheduling order to allow additional time to depose an incarcerated witness. The district court granted the motion.
STANDARD OF REVIEW	The district court has broad discretion in supervising the pretrial phase of litigation and may modify a scheduling order for good cause under Federal Rule of Civil Procedure 16(b)(4).
PRECEDENTIAL VALUE	Unknown; district court scheduling order

TOPICS

- discovery dispute
- civil procedure

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether defendant demonstrated good cause and diligence sufficient to justify a third modification of the discovery and scheduling order under Federal Rule of Civil Procedure 16(b)(4).

HOLDINGS

1. A scheduling order may be modified when the party seeking the extension has diligently attempted to comply and the schedule cannot reasonably be met despite that diligence; defendant established good cause for a further extension.

KEY QUOTATIONS

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

FACTUAL BACKGROUND

Defendant had difficulty scheduling the deposition of inmate witness Durrell Puckett because the deposition required coordinating inmates at different prisons and Puckett was frequently transferred. The court found that defendant had diligently attempted to schedule the deposition and had shown good cause for another extension.

PROCEDURAL HISTORY

The court had previously modified the initial discovery and scheduling order twice. Discovery was reopened for the limited purpose of deposing inmate witness Durrell Puckett, and the pretrial motions deadline was stayed; defendant then sought a further extension because of continuing difficulty scheduling the deposition.

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

1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE EASTERN
DISTRICT OF CALIFORNIA 10 11 MELVIN PARKER, 2:22-cv-2015 CSK P 12 Plaintiff,
[PROPOSED] ORDER AND REVISED 13 SCHEDULING ORDER v. 14 15 N. WEST, 16
Defendant. 17 18 Plaintiff is a state prisoner proceeding pro se.

On April 17, 2025, defendant filed a third 19 motion to modify the discovery and scheduling order
in light of continued difficulties in 20 scheduling the deposition of inmate witness Durrell Puckett.
(ECF No. 68.) As discussed 21 below, defendant’s motion is granted. 22 Governing Standards 23

“The district court is given broad discretion in supervising the pretrial phase of litigation.” 24 Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir.

1992) (citation and internal 25 quotation marks omitted). Rule 16(b) provides that “[a] schedule may be modified only for good 26 cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). “The schedule may be modified 27 ‘if it cannot reasonably be met despite the diligence of the party seeking the extension.’” 28 1 |} Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir.

2002) (quoting 2 | Johnson, 975 F.2d at 607). 3 || Discussion 4 The initial discovery and scheduling order (ECF No. 55) has been modified twice. (ECF 5 || Nos. 60, 63.) On December 26, 2024, discovery was reopened for the limited purpose of 6 || deposing Mr. Puckett, and the pretrial motions deadline was stayed. (ECF No. 63.) 7 In addition to the usual difficulties involved in coordinating a deposition of an inmate with 8 || the attendance of another inmate at a different prison, defendant has provided evidence of 9 || continued difficulties in scheduling Mr. Puckett’s deposition due to Mr. Puckett’s frequent 10 || transfers to different prisons.

(ECF No. 68-1 at 6.) The Court finds that defendant has diligently 11 || attempted to schedule Mr. Puckett’s deposition and has shown good cause for this third extension 12 || of the discovery deadline. 13 ORDER 14 Good cause appearing, IT IS HEREBY ORDERED that defendant’s motion (ECF No. 68) 15 || to modify the discovery and scheduling orders (ECF Nos. 55, 60, 63) is granted.

Defendant is 16 || granted a forty-day extension of time to depose incarcerated witness Durrell Puckett and file any 17 || necessary motion to compel his compliance with a subpoena, up to and including May 28, 2025. 18 || No other deadlines are affected by this order. 19 | Dated: 04/18/25 C
iy s \U 20 CHI SOO KIM UNITED STATES MAGISTRATE JUDGE 22 /V/park2015.1663 23 24
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