

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.

OPINION

(PC) Parker v. N. West

PER CURIAM.

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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 i y s \U

20 CHI SOO KIM

UNITED STATES MAGISTRATE JUDGE

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