

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Drumwright v. Huckleberry

Drumwright · No. 1:22-cv-01410-JLT-SKO (PC) · Decided July 9, 2025

SUMMARY

The United States District Court for the Eastern District of California granted in part Defendant’s motion to modify the discovery and scheduling order. Finding good cause under Federal Rule of Civil Procedure 16(b)(4), the court extended the deadline for filing an exhaustion-based summary judgment motion from July 9, 2025, to September 22, 2025, without affecting other deadlines.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 9, 2025
DOCKET	1:22-cv-01410-JLT-SKO (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 16(b)(4) to modify the discovery and scheduling order by extending the deadline for an exhaustion-based summary judgment motion.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 16(b)(4), a scheduling order may be modified only for good cause and with the judge's consent. The good-cause inquiry primarily considers the diligence of the party seeking the amendment; if the party was not diligent, the inquiry ends.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- summary judgment
- civil procedure
- prisoners rights
- section 1983

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether Defendant demonstrated good cause under Federal Rule of Civil Procedure 16(b)(4) to modify the scheduling order and extend the deadline for filing an exhaustion-based summary judgment motion.

HOLDINGS

1. Defendant established good cause under Federal Rule of Civil Procedure 16(b)(4) to extend the deadline for filing an exhaustion-based summary judgment motion, but the requested 125-day extension was reduced to 75 days.

KEY QUOTATIONS

- “Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, a scheduling order “may be modified only for good cause and with the judge’s consent.””* (at 1)

“If the party was not diligent, the inquiry should end.” (at 1)

FACTUAL BACKGROUND

Defense counsel investigated potential exhaustion defenses after the scheduling order issued, including reviewing records concerning Plaintiff’s grievance and appeal history. Counsel identified a viable exhaustion defense on June 30, 2025 and sought additional time to coordinate declarations and account for other cases, while anticipating Plaintiff’s deposition in late July 2025.

PROCEDURAL HISTORY

The action is a prisoner civil-rights case proceeding under 42 U.S.C. § 1983 against Defendant G. Gomez for alleged violations of Plaintiff’s First and Eighth Amendment rights. After issuing a discovery and scheduling order on April 9, 2025, the court considered Defendant’s July 3, 2025 motion to modify the order and granted it in part.

DISPOSITION

other

CASES CITED

- Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992)

OPINION

(PC) Drumwright v. Huckleberry

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 MARQUISE LOUIS DRUMWRIGHT, Case No.: 1:22-cv-01410-JLT-SKO (PC) 12

Plaintiff,

ORDER GRANTING IN PART

13 v. DEFENDANT'S MOTION TO MODIFY

THE DISCOVERY AND SCHEDULING

14 C. HUCKLEBERRY, et al., ORDER 15 Defendants. (Doc. 48) 16 17 Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 18 42 U.S.C. § 1983. The action proceeds against Defendant G. Gomez for violations of Plaintiff's 19 First and Eighth Amendment rights.

20 I. INTRODUCTION

21 On April 9, 2025, the Court issued its Discovery and Scheduling Order. (Doc. 47.) On 22 July 3, 2025, Defendant filed a motion to modify the scheduling order. (Doc. 48.)

23 II. DISCUSSION

24 Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, a scheduling order "may 25 be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). This 26 good cause standard "primarily considers the diligence of the party seeking the amendment." 27 Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992). The court may modify the scheduling order "if it cannot reasonably be met despite the diligence of the party seeking the 1 extension." Id. If the party was not diligent, the inquiry should end. Id. 2 Defendant requests the Court extend the deadline for filing an exhaustion-based summary 3 judgment motion by 125 days to correspond with the deadline for filing a merits-based summary 4 judgment motion, allowing for "a joint motion for summary judgment." (Doc. 48.) Defendant's 5 motion is accompanied by the Declaration of Daniel Krasiev-Dvornikov, counsel for Defendant. 6 (Doc. 48-1.) Defense counsel states he has investigated and researched potential exhaustion 7 defenses following issuance of the scheduling order, including a review of all relevant records 8 pertaining to Plaintiff's grievance and appeal history. (Id. at 2, ¶ 3.) On June 30, 2025, defense 9 counsel identified a viable exhaustion defense (id. at 3, ¶ 6), and states he needs additional time to 10 coordinate and finalize the declarations in support of a motion for summary judgment (id. at 2, ¶ 11 3), while handling his other cases. Counsel also anticipates that Plaintiff's deposition will be 12 conducted in late July 2025. (Id.) 13 This Court finds Defendant has established good cause to modify the exhaustion-based 14 summary judgment motion filing deadline and will grant the motion in part. Johnson, 975 F.2d at 15 609. The Court will grant a 75-day extension of the exhaustion-based summary judgment motion 16 filing deadline to allow counsel to file the motion.

17 III. CONCLUSION AND ORDER

18 Accordingly, and for good cause shown, IT IS HEREBY ORDERED that: 19 1. Defendant's motion to modify the scheduling order (Doc. 48) is GRANTED IN 20 PART; and 21 2. The deadline for filing an exhaustion-based summary judgment motion is 22 EXTENDED from July 9, 2025, to Monday, September 22, 2025. No other 23 deadlines are affected by this order. 24 IT IS SO ORDERED. 25 26 Dated: July 8, 2025 /s/ Sheila K. Oberto .

UNITED STATES MAGISTRATE JUDGE

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