

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.

OPINION

1 2 3 4 5 6 7 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 27