

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Heyligar v. Jones

Heyligar · No. 2:23-cv-1899 CSK P · Decided February 20, 2025

SUMMARY

The court grants defendants’ second motion to modify the scheduling order in a prisoner civil rights action alleging excessive force and deliberate indifference under the Eighth Amendment. Discovery remains closed, and the deadline for pretrial motions is extended to March 28, 2025, because the parties are awaiting completion of settlement papers.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 20, 2025
DOCKET	2:23-cv-1899 CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se and in forma pauperis, brought an Eighth Amendment action. Defendants moved for a second extension of the pretrial motions deadline under the scheduling order.
STANDARD OF REVIEW	The district court has broad discretion in supervising the pretrial phase of litigation; a scheduling order may be modified only for good cause and with the judge's consent, including when the schedule cannot reasonably be met despite the diligence of the party seeking the extension.
PRECEDENTIAL VALUE	Unknown; district court scheduling order.
PARTIES	Arlington Anselmo Heyligar v. Jones, et al.

TOPICS

- civil procedure
- prisoners rights
- motions to dismiss

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether defendants demonstrated good cause under Federal Rule of Civil Procedure 16(b)(4) to extend the pretrial motions deadline.

HOLDINGS

1. A scheduling order may be modified for good cause when the existing deadline cannot reasonably be met despite the diligence of the party seeking the extension. Defendants established good cause for extending the pretrial motions deadline because additional time was needed to allow settlement papers to be completed and, if settlement failed, to file a dispositive motion.

KEY QUOTATIONS

““The district court is given broad discretion in supervising the pretrial phase of litigation.”” (1)

““A schedule may be modified only for good cause and with the judge’s consent.”” (1)

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

FACTUAL BACKGROUND

Plaintiff, who identifies as transgender, alleges that defendants T. Jones, E. Corter, and O. Beltran used excessive force and that defendant Richards was deliberately indifferent to plaintiff’s serious medical and mental health needs, in violation of the Eighth Amendment. Discovery had been completed, and the parties had engaged in settlement negotiations. Defendants reported that the parties had verbally agreed to settle, that settlement papers were mailed to plaintiff on January 28, 2025, and that defendants were awaiting plaintiff’s signed papers.

PROCEDURAL HISTORY

Plaintiff filed the action on September 5, 2023. The court issued a discovery and scheduling order on May 28, 2024, later extending the discovery deadline to November 19, 2024, and the dispositive motions deadline to February 11, 2025. Defendants filed a second motion to modify the scheduling order on February 7, 2025. The court granted the motion, closed discovery, and extended the pretrial motions deadline to March 28, 2025.

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 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 ARLINGTON ANSELMO HEYLIGAR, No. 2:23-cv-1899 CSK P 12
Plaintiff, 13 v. ORDER AND REVISED SCHEDULING ORDER 14 JONES, et al., 15 Defendant.
16 17 Plaintiff is a state prisoner proceeding pro se and in forma pauperis. Defendants filed a 18
second motion to modify the scheduling order, seeking an extension of time to file their 19
dispositive motion.

Good cause appearing, defendants' motion is granted. 20 I. BACKGROUND 21 Plaintiff, who
identifies as transgender, filed this action on September 5, 2023. (ECF No. 22 1.) This action
proceeds on plaintiff's claims that on July 10, 2022, defendants T. Jones, E. 23 Corter, and O.
Beltran used excessive force (Claim I), and defendant Richards was deliberately 24 indifferent to
plaintiff's serious medical and mental health needs (Claim II), all in violation of the 25 Eighth
Amendment.

(ECF No. 1.) 26 On May 28, 2024, the Court issued a Discovery and Scheduling Order, setting the
27 discovery deadline for September 20, 2024, and the pretrial motions deadline for December 13,
28 2024. (ECF No. 23.) 1 On July 31, 2024, defendants sought to extend both deadlines; following
subsequent 2 briefing, the Court granted defendants' amended request for extension of time, and
modified the 3 scheduling order as follows: the discovery deadline was extended to November 19,
2024, and the 4 dispositive motions deadline was extended to February 11, 2025 (ECF No. 31).

5 On February 7, 2025, defendants filed their second motion to modify the scheduling order. 6
(ECF No. 32.) 7 II. GOVERNING STANDARDS 8 "The district court is given broad discretion in
supervising the pretrial phase of litigation." 9 Johnson v. Mammoth Recreations, Inc., 975 F.2d
604, 607 (9th Cir. 1992) (citation and internal 10 quotation marks omitted). Rule 16(b) provides
that "[a] schedule may be modified only for good 11 cause and with the judge's consent." Fed.

R. Civ. P. 16(b)(4). "The schedule may be modified 12 'if it cannot reasonably be met despite the
diligence of the party seeking the extension.'" 13 Zivkovic v. Southern California Edison Co., 302
F.3d 1080, 1087 (9th Cir. 2002) (quoting 14 Johnson, 975 F.2d at 607). 15 III. DISCUSSION 16
The parties have completed discovery, engaged in settlement negotiations, and, according 17 to
defendants, the parties verbally agreed to settle this case.

(ECF No. 32 at 2.) On January 28, 18 2025, defendants mailed the settlement papers to plaintiff
for review and signature, and are 19 awaiting their return. (Id.) This extension of time is necessary
to provide defendants with 20 sufficient time to file a dispositive motion should plaintiff fail to
complete and sign the settlement 21 papers. (Id.)

The Court finds good cause to extend the pretrial motions deadline. 22 IV. CONCLUSION 23 In
accordance with the above, IT IS HEREBY ORDERED that: 24 1. Discovery is closed. 25 2.
Defendants' second motion to modify the scheduling order (ECF No. 32) is granted. 26 3.

The pretrial motions deadline is extended to March 28, 2025. 27 /// 28 ///] 4. In all other respects, the Discovery and Scheduling Order (ECF No. 23) remains in 2 | effect. 3 4 | Dated: February 19, 2025 Cin □□□ CHI SOO KIM 6 UNITED STATES MAGISTRATE JUDGE 7 /I/hey1899.16b2 9 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28