

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

OPINION

(PC) Heyligar v. Jones

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 ARLINGTON ANSELMO HEYLGAR, 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/hey11899.16b2 9 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28