

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Beavers v. Hosey

Beavers · No. 1:21-cv-00650-HBK (PC) · Decided May 23, 2025

SUMMARY

The United States District Court for the Eastern District of California denied without prejudice Plaintiff Gary Lee Beavers’s motion to extend the discovery deadline because he failed to show good cause. The court deferred ruling on his motion to compel because he had not satisfied the meet-and-confer requirement, directing the parties to confer and, if necessary, file a joint statement regarding unresolved discovery disputes.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 23, 2025
DOCKET	1:21-cv-00650-HBK (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to extend the non-expert discovery deadline and to compel discovery in an ongoing prisoner civil-rights action. The court denied the extension motion without prejudice and deferred ruling on the motion to compel.
STANDARD OF REVIEW	Whether good cause supported modification of the discovery deadline and scheduling order under Federal Rules of Civil Procedure 6(b) and 16(b)(4); whether the motion to compel complied with the meet-and-confer requirement under Rule 37(a)(1) and Local Rule 251(b).
PRECEDENTIAL VALUE	unpublished trial-court order

TOPICS

- discovery dispute
- civil procedure
- summary judgment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff showed good cause warranting an extension of the non-expert discovery deadline under Federal Rules of Civil Procedure 6(b) and 16(b)(4).
2. Whether plaintiff's motion to compel was facially deficient because he failed to certify that he had met and conferred with defendant as required by Federal Rule of Civil Procedure 37(a)(1) and Local Rule 251(b).
3. Whether the court should defer ruling on the motion to compel to permit the parties to meet and confer and, if necessary, submit a joint statement.

HOLDINGS

1. Plaintiff did not establish good cause for a 90-day extension of discovery because he failed to identify outstanding discovery requests or otherwise articulate a sufficient basis for the extension.
2. A motion to compel is facially deficient when the moving party fails to certify that the parties met or attempted to meet and confer before filing the motion.
3. The court deferred ruling on the motion to compel and directed the parties to meet and confer; if the dispute remained unresolved, they were required to file a joint statement addressing the remaining disputes.

KEY QUOTATIONS

“Because Plaintiff has not set forth any good cause for the proposed extension, the Court will deny the discovery motion without prejudice.” (at 2)

“Because Plaintiff failed to comply with the meet and confer requirement before filing his motion to compel, the compel motion is facially deficient, and the Court may deny it on that basis.” (at 3)

FACTUAL BACKGROUND

The court had set May 29, 2025, as the deadline for completing non-expert discovery and required prompt motions to compel and a prior meet and confer. Plaintiff sought a 90-day extension, asserting that some defense discovery responses were nonresponsive and that he had not received defendant's February 18, 2025 discovery requests. He also moved to compel production of incident reports, personnel files, and witness information, but did not include a certification that he had met and conferred with defendant.

PROCEDURAL HISTORY

The court's amended scheduling order required completion of non-expert discovery by May 29, 2025, and required the parties to meet and confer before filing discovery motions. Defendants Mendoza and Espinoza were dismissed after the court granted their exhaustion-based motion for summary judgment, leaving Officer Hosey as the remaining defendant. Plaintiff then moved for an extension and later moved to compel; the court denied the

extension for failure to show good cause and deferred the motion to compel because plaintiff had not certified that he met and conferred.

DISPOSITION

other

CASES CITED

- Palmer v. Crotty, 2010 WL 4279423, at *1 (E.D. Cal. Oct. 22, 2010)

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