

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Israel v. Negrete

Israel · No. 2:22-cv-1391 TLN CSK P · Decided July 9, 2025

SUMMARY

The United States District Court for the Eastern District of California grants plaintiff Akiva A. Israel’s unopposed motion to modify the scheduling order. The Court extends the discovery deadline to September 18, 2025, and the pretrial motions deadline to November 17, 2025, while cautioning that further extensions are unlikely.

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	July 9, 2025
DOCKET	2:22-cv-1391 TLN CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se and in forma pauperis, moved unopposed to modify the scheduling order by extending the discovery deadline.
STANDARD OF REVIEW	The district court has broad discretion in supervising the pretrial phase and may modify a Rule 16 scheduling order for good cause when the schedule cannot reasonably be met despite the diligence of the party seeking the extension.
PRECEDENTIAL VALUE	unpublished

TOPICS

- discovery dispute
- civil procedure
- prisoners rights
- first amendment
- fourteenth amendment

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether plaintiff demonstrated good cause under Federal Rule of Civil Procedure 16(b)(4) to extend the discovery deadline.
2. Whether the related pretrial motions deadline should also be extended in light of the discovery extension.

HOLDINGS

1. Plaintiff demonstrated good cause for extending the discovery deadline because the deadline could not reasonably be met despite circumstances affecting his ability to conduct discovery, and defendant did not oppose the motion.
2. The pretrial motions deadline was extended sua sponte from October 23, 2025, to November 17, 2025.

KEY QUOTATIONS

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

“The parties are advised that the Court is not inclined to further extend the discovery deadline in this action.” (at 2)

FACTUAL BACKGROUND

Plaintiff had difficulty completing discovery because of psychiatric illness and medication side effects, a custodial transfer, and lack of access to legal materials packed into approximately 25 boxes. He was organizing roughly 20,000 pages of legal materials and had not yet received defendant's responses to his discovery requests. Defendant acknowledged plaintiff's custodial, medical, and pro se circumstances and did not oppose the requested extension.

PROCEDURAL HISTORY

The action proceeds on claims against Robert Negrete for First Amendment retaliation, Fourteenth Amendment equal protection violations, and Eighth Amendment deliberate indifference to serious medical needs. The court's March 31, 2025 discovery and scheduling order set discovery to close on July 31, 2025, and set the pretrial motions deadline for October 23, 2025. Plaintiff moved on June 20, 2025, for a ninety-day discovery extension; defendant filed a statement of non-opposition. The court granted the motion, extending discovery to September 18, 2025, and the pretrial motions deadline to November 17, 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

(PC) Israel v. Negrete

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 AKIVA A. ISRAEL, No. 2:22-cv-1391 TLN CSK P

12 Plaintiff,

13 v. ORDER AND REVISED SCHEDULING

ORDER

14 ROBERT NEGRETE,

15 Defendant. 16

17 Plaintiff is a state prisoner proceeding pro se and in forma pauperis. Plaintiff's unopposed 18 motion to modify the Court's scheduling order is before the Court. (ECF No. 39.) As discussed 19 below, plaintiff's motion is granted.

20 I. BACKGROUND

21 This action proceeds on plaintiff's complaint against defendant Negrete for retaliation in 22 violation of the First Amendment, equal protection in violation of the Fourteenth Amendment, 23 and deliberate indifference to plaintiff's serious medical needs in violation of the Eighth 24 Amendment. (ECF No. 1.) 25 On March 31, 2025, the Court issued the discovery and scheduling order setting the 26 discovery deadline for July 31, 2025, and the pretrial motions deadline for October 23, 2025. 27 (ECF No. 34.) 28 /// 1 Plaintiff's first motion to extend the discovery deadline was filed on June 20, 2025. (ECF

2 No. 39.) The parties have been engaged in discovery, but myriad issues have interfered with 3 plaintiff's ability to complete discovery responses and plaintiff had not yet received defendant's 4 responses to plaintiff's discovery requests. (ECF No. 39 at 1.) Plaintiff suffers from an 5 unidentified psychiatric illness, and side effects from psychiatric medication. (Id.) Plaintiff was 6 transferred to a different prison, and plaintiff's legal materials were indiscriminately packed into 7 25 boxes. (Id. at 2.) Once plaintiff arrived at RJ Donovan, plaintiff was denied sufficient time to 8 review the legal materials. Despite plaintiff's multiple requests, prison officials refused plaintiff 9 access to the legal materials. (Id.) Plaintiff avers that the warden only recently made plaintiff's 10 stored legal materials available, and plaintiff is now organizing some 20,000 pages of legal 11 materials. Given such difficulties, plaintiff requests that the discovery deadline be extended for 12 ninety days. 13 On July 3, 2025, defendant filed a statement of non-opposition, reserving all prior written 14 objections, and acknowledging plaintiff's unique circumstances due to plaintiff's custodial 15 transfer, medical conditions and pro se status. (ECF No. 40 at 1.)

16 II. GOVERNING STANDARDS

17 “The district court is given broad discretion in supervising the pretrial phase of litigation.” 18
Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal 19
quotation marks omitted). Rule 16(b) provides that “[a] schedule may be modified only for good
20 cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). “The schedule may be modified
21 ‘if it cannot reasonably be met despite the diligence of the party seeking the extension.’” 22
Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting 23
Johnson, 975 F.2d at 607).

24 III. DISCUSSION

25 Plaintiff timely moved to extend the discovery deadline, and has demonstrated good cause 26
to extend the discovery deadline, which defendant does not oppose. Plaintiff is cautioned, 27
however, that the Court is not inclined to further extend the discovery deadline in this action. 28
Plaintiff’s motion was filed on June 20, 2025. Therefore, the discovery deadline is extended to 1 ||
September 18, 2025. In light of this extension, the pretrial motions deadline is extended, sua 2 ||
sponte, to November 17, 2025.

3 | IV. CONCLUSION

4 Accordingly, IT IS HEREBY ORDERED that plaintiff’s first motion to extend discovery 5 ||
(ECF No. 39) is granted. The discovery deadline is extended to September 18, 2025. The parties 6
|| are advised that the Court is not inclined to further extend the discovery deadline in this action. 7
|| The pretrial motions deadline is extended to November 17, 2025. In all other respects, the March
8 | 31, 2025 discovery and scheduling order (ECF No. 34) remains in effect. 9 10 | Dated: July 9,
2025 YY 2 Aan Spe |

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ccisoL tee UNITED STATES MAGISTRATE JUDGE 13 14 15 16 17 18 19 20 21 22 23 24 25 26
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