

**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

OPINION

(PC) Israel v. Negrete

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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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 27 28