

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Akiva Israel v. Robert Negrete

Israel v. Negrete · No. 2:22-cv-1391 TLN CSK P · Decided December 16, 2025

SUMMARY

The United States District Court for the Eastern District of California grants the plaintiff's second motion to modify the scheduling order in a 42 U.S.C. § 1983 action. The court extends the discovery deadline to March 31, 2026, and the deadline for other pretrial motions to May 29, 2026, based on good cause and the parties' agreement.

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	December 16, 2025
DOCKET	2:22-cv-1391 TLN CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a second modification of the scheduling order, including an extension of the discovery deadline. Defendant did not oppose the requested modification.
STANDARD OF REVIEW	The district court has broad discretion in supervising the pretrial phase of litigation; modification of a scheduling order requires good cause under Federal Rule of Civil Procedure 16(b)(4).
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value.
PARTIES	Akiva Israel v. Robert Negrete

TOPICS

- civil procedure
- discovery dispute

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights

QUESTIONS PRESENTED

1. Whether good cause existed under Federal Rule of Civil Procedure 16(b)(4) to modify the scheduling order and extend the discovery and pretrial-motions deadlines.

HOLDINGS

1. The court held that good cause existed to modify the scheduling order and extend the discovery and pretrial-motions deadlines.

KEY QUOTATIONS

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

FACTUAL BACKGROUND

The court had previously extended the discovery deadline to September 18, 2025, and the pretrial-motions deadline to November 17, 2025. Plaintiff had pending a motion to compel discovery and an amended motion to issue a subpoena, while defense counsel described extensive efforts to schedule plaintiff's deposition. Defendant did not oppose plaintiff's request for additional time.

PROCEDURAL HISTORY

The court issued a discovery and scheduling order on March 31, 2025, and previously modified it on July 9, 2025. Plaintiff then filed a second motion to modify the scheduling order, and defense counsel submitted a declaration stating that defendant did not oppose the requested extensions. The district court granted the motion and revised the discovery and pretrial-motion deadlines.

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 UNITED STATES DISTRICT COURT 8 FOR THE EASTERN DISTRICT OF
CALIFORNIA 9 10 AKIVA ISRAEL, No. 2:22-cv-1391 TLN CSK P 11 Plaintiff, 12 v. ORDER
AND REVISED SCHEDULING ORDER 13 ROBERT NEGRETE, 14 Defendant. 15 16 Plaintiff
appears pro se and in forma pauperis in this civil rights action pursuant to 17 42 U.S.C. § 1983.

On November 12, 2025, plaintiff filed a motion to modify the scheduling 18 order, including the
discovery deadline. (ECF No. 52). Defendant does not oppose the 19 modification. (ECF No. 53.)

As discussed below, the motion to modify the scheduling order is 20 granted. 21 I. GOVERNING STANDARDS 22 “The district court is given broad discretion in supervising the pretrial phase of litigation.” 23 Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir.

1992) (citation and internal 24 quotation marks omitted). Rule 16(b) provides that “[a] schedule may be modified only for good 25 cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). “The schedule may be modified 26 ‘if it cannot reasonably be met despite the diligence of the party seeking the extension.’” 27 Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir.

2002) (quoting 28 Johnson, 975 F.2d at 607). 1 | IO. BACKGROUND 2 On March 31, 2025, the Court issued its discovery and scheduling order. (ECF No. 34.) 3 || On July 9, 2025, the Court granted plaintiffs first motion to modify the scheduling order. (ECF 4 | No. 41.)

The discovery deadline was extended to September 18, 2025, and the pretrial motions 5 || deadline was extended to November 17, 2025. (Id.) 6 Currently, plaintiff's motion to compel discovery and amended motion to issue subpoena 7 || are submitted for decision. (ECF Nos. 47, 48.)

On November 12, 2025, plaintiff filed the second 8 | motion to modify the scheduling order, including the discovery deadline. (ECF No. 52.) On 9 || December 12, 2025, defense counsel filed a declaration indicating defendant does not oppose 10 | plaintiff's motion to extend discovery deadlines and to modify the scheduling order, and set forth 11 || the myriad efforts he and his law firm have had to undertake in order to schedule plaintiff's 12 || deposition.

(ECF No. 53.) In addition, defense counsel provided a copy of the proposed 13 || stipulation to extend the discovery and pretrial motions deadline sent to plaintiff before plaintiff 14 || filed the November 12, 2025 motion. (Id. at 6-10.) 15 | II. DISCUSSION 16 The Court finds good cause to modify the scheduling order and extend the deadlines as 17 || requested by the parties.

The discovery deadline is extended from September 18, 2025, to March 18 | 31, 2026, and the deadline to file all other pretrial motions is extended from November 17, 2025, 19 | to May 29, 2026. 20 Accordingly, IT IS HEREBY ORDERED that plaintiff's second motion to modify the 21 || scheduling order (ECF No. 52), and joined by defendant (ECF No. 53), is granted.

The discovery 22 || deadline is extended to March 31, 2026, and the pretrial motions deadline is extended to May 29, 23 | 2026. In all other respects, the March 31, 2025 discovery and scheduling order (ECF No. 34) 24 || remains in effect. 25 6 Dated: December 15, 2025 7 _- Chan Spo 27 CHI SOO KIM 28 | jajoar3o1. 1602 UNITED STATES MAGISTRATE JUDGE