

**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.

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