

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

McDonald v. Jones

McDonald · No. 2:24-cv-01027 TLN CSK P · Decided August 13, 2025

SUMMARY

The United States District Court for the Eastern District of California grants defendants’ first request to extend the pretrial motions deadline. The court denies the request insofar as it was brought under Local Rule 233, but finds good cause under Federal Rule of Civil Procedure 16(b) and extends the deadline to October 6, 2025.

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	August 13, 2025
DOCKET	2:24-cv-01027 TLN CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to extend the deadline for filing pretrial motions, including a summary judgment motion. The court denied the request insofar as it was made under Local Rule 233 and granted it under Federal Rule of Civil Procedure 16(b).
STANDARD OF REVIEW	The district court has broad discretion in supervising the pretrial phase of litigation. Modification of a scheduling order under Federal Rule of Civil Procedure 16(b)(4) requires good cause and the judge's consent; good cause is shown when the schedule cannot reasonably be met despite the diligence of the party seeking the extension.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order

TOPICS

- civil procedure
- summary judgment
- discovery dispute
- prisoners rights
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether defendants' request to extend the dispositive pretrial-motions deadline was properly governed by Local Rule 233.
2. Whether defendants demonstrated good cause under Federal Rule of Civil Procedure 16(b)(4) to modify the scheduling order and extend the pretrial-motions deadline.

HOLDINGS

1. A request to extend the pretrial-motions deadline in order to file a summary judgment motion is governed by Federal Rule of Civil Procedure 16(b), rather than Local Rule 233, because granting the request would extend the dispositive-motion deadline.
2. Defendants demonstrated good cause under Federal Rule of Civil Procedure 16(b)(4) to extend the pretrial-motions deadline from August 22, 2025, to October 6, 2025.

KEY QUOTATIONS

“Because granting such extension would require extending the dispositive motion deadline, such request is governed by Rule 16(b) of the Federal Rules of Civil Procedure, not Local Rule 233.” (at 1)

“The Court finds good cause under Rule 16(b) to extend the pretrial motions deadline until October 6, 2025.” (at 2)

FACTUAL BACKGROUND

Plaintiff is a California state prisoner who alleges that correctional officers used excessive force against him and failed to protect him from harm by a fellow inmate, based in part on alleged racist conduct. The defendants had met the other litigation deadlines, made their first request for an extension, and asserted that counsel's depositions and other pending cases prevented timely completion of a summary judgment motion.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, brought claims concerning alleged excessive force and failure to protect in violation of the Eighth and Fourteenth Amendments. The court issued a discovery and scheduling order on January 29, 2025, closed discovery on May 30, 2025, and set August 22, 2025, as the pretrial motions deadline. Defendants moved on August 7, 2025, to extend that deadline until October 6, 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

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 JEFFREY D. MCDONALD, No. 2:24-cv-1027 TLN CSK P 12 Plaintiff, 13
v. ORDER 14 G. JONES, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner proceeding pro
se and in forma pauperis. Defendants' first 18 motion for extension of the pretrial motions
deadline is before the Court.

As discussed below, 19 defendants' motion is granted under Rule 16(b) of the Federal Rules of
Civil Procedure. 20 I. BACKGROUND 21 This action proceeds on plaintiff's claims that on
October 21, 2023, defendants B. Chaves 22 and Berumen, Correctional Officers at California
Health Care Facility ("CHCF") used excessive 23 force on plaintiff and failed to protect him from
harm from fellow inmate Badiu based on 24 defendants' alleged racist actions taken against
plaintiff, who is African American, in violation of 25 the Eighth and Fourteenth Amendments.

(ECF No. 1.) 26 On January 29, 2025, the Court issued a discovery and scheduling order. (ECF
No. 22.) 27 Discovery closed on May 30, 2025, and the pretrial motions deadline was set for
August 22, 28 2025. (Id.) On August 7, 2025, defendants filed their motion for extension of the
pretrial 1 motions deadline until October 6, 2025. (ECF No. 23.) 2 II. DEFENDANTS' MOTION
UNDER LOCAL RULE 233 3 Local Rule 233 provides: 4 Miscellaneous administrative matters
which require a Court order may be brought to the Court's attention through a motion for 5
administrative relief.

Examples of matters that such motions may address include motions to exceed applicable page
limitations; 6 requests to shorten time on a motion; requests to extend a response deadline;
requests to alter a briefing schedule; or requests to alter a 7 discovery schedule that does not affect
dispositive motion filing dates, trial dates, or the final pre-trial conference.

8 9 Local Rule 233. 10 In the motion for extension, defendants do not seek to alter a briefing
schedule or a 11 discovery schedule, but rather seek an extension of the pretrial motions deadline
in order to 12 timely file a summary judgment motion.

Because granting such extension would require 13 extending the dispositive motion deadline, such
request is governed by Rule 16(b) of the Federal 14 Rules of Civil Procedure, not Local Rule 233.
Thus, defendants' request for extension of time 15 under Local Rule 233 is denied. 16 III.
DEFENDANTS' MOTION UNDER RULE 16(b) 17 Although defendants initially cite Local Rule
233, they also contend that the motion for 18 extension should be granted because good cause
exists under Rule 16(b) of the Federal Rules of 19 Civil Procedure.

(ECF No. 23 at 1-2.) 20 "The district court is given broad discretion in supervising the pretrial
phase of litigation." 21 *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992)

(citation and internal quotation marks omitted). Rule 16(b) provides that “[a] schedule may be modified only for good cause and with the judge’s consent.” Fed.

R. Civ. P. 16(b)(4). “The schedule may be modified ‘if it cannot reasonably be met despite the diligence of the party seeking the extension.’” *Zivkovic v. Southern California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting *Johnson*, 975 F.2d at 607). In support of the motion, defendants’ counsel filed a declaration stating that defendants have diligently litigated this action and met all other deadlines, have timely sought the extension, and defendants’ counsel has other pending cases that preclude completing the summary judgment motion in this case, including depositions set in other matters from the end of August until mid-September.

(ECF No. 23-1.) This is defendants’ first request for extension, and contends plaintiff will not be prejudiced by the requested modification. The Court finds good cause under Rule 16(b) to extend the pretrial motions deadline until October 6, 2025. IV. CONCLUSION Accordingly, IT IS HEREBY ORDERED that: 1. Discovery is closed. 2. Defendants’ motion to extend the pretrial motions deadline under Local Rule 233 (ECF No. 23) is denied.

3. Defendants’ motion to extend the pretrial motions deadline under Rule 16(b) of the Federal Rules of Civil Procedure (ECF No. 23) is granted. 4. All pretrial motions, except motions to compel discovery, shall be filed on or before October 6, 2025.

In all other respects, the scheduling order (ECF No. 22) remains in effect. Dated: August 12, 2025 A a A n S p e | C H I S O O K I M U N I T E D S T A T E S M A G I S T R A T E J U D G E A i m e d o 1 0 2 7 . 1 6 b . 2 3 3 2 2 2 3 2 4 2 5 2 6 2 7 2 8