

**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

OPINION

(PC) McDonald v. Jones

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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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 extending the dispositive motion deadline, such request is governed by Rule 16(b) of the Federal Rules of Civil Procedure, not Local Rule 233. Thus, defendants' request for extension of time 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 22 quotation marks omitted). Rule 16(b) provides that "[a] schedule may be modified only for good 23 cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "The schedule may be modified 24 'if it cannot reasonably be met despite the diligence of the party seeking the extension.'" 25 *Zivkovic v. Southern California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting 26 *Johnson*, 975 F.2d at 607). 27 In support of the motion, defendants' counsel filed a declaration stating that defendants 28 have diligently litigated this action and met all other deadlines, have timely sought the extension, 1 | and defendants' counsel has other pending cases that preclude completing the summary judgment 2 || motion in this case, including depositions set in other matters from the end of August until mid- 3 || September. (ECF No. 23-1.) This is defendants' first request for extension, and contends 4 | plaintiff will not be prejudiced by the requested modification. 5 The Court finds good cause under Rule 16(b) to extend the pretrial motions deadline until 6 | October 6, 2025.

7 | IV. CONCLUSION

8 Accordingly, IT IS HEREBY ORDERED that: 9 1. Discovery is closed. 10 2. Defendants' motion to extend the pretrial motions deadline under Local Rule 233 11 (ECF No. 23) is denied. 12 3. Defendants' motion to extend the pretrial motions deadline under Rule 16(b) of the 13 Federal Rules of Civil Procedure (ECF No. 23) is granted. 14 4. All pretrial motions, except motions to compel discovery, shall be filed on or before

15 October 6, 2025. In all other respects, the scheduling order (ECF No. 22) remains in 16 effect. 17 18 | Dated: August 12, 2025 A aA 19 Aan Spe |

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20 UNITED STATES MAGISTRATE JUDGE

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