

Under Federal Rule of Civil Procedure 16(b), “A schedule shall not be modified except upon a showing of good cause and by leave of the district judge or, when authorized by local rule, by a

magistrate judge.” When considering whether there is “good cause” the court considers the diligence of the party seeking the amendment. *Deghand v. Wal-Mart Stores, Inc.*, 904 F.Supp. 1218, 1221 (D. Kan. 1995) (citations omitted). “The party seeking an extension must show that despite due diligence it could not have reasonably met the scheduled deadlines.” *Id.* Here, the magistrate denied plaintiff’s motion for failure to show the requisite good cause for amending the scheduling order. After reviewing the record, the court finds that Magistrate Judge Waxse applied the appropriate standard when considering plaintiff’s motion. Furthermore, the decision is supported by the record. Judge Waxse’s decision is not clearly erroneous or contrary to law. Accordingly, plaintiff’s motion is overruled.

**IT IS THEREFORE ORDERED** that plaintiff’s Objection to the Magistrate’s Order Denying Extension of Discovery (Doc. 94) is overruled.

Dated this 11<sup>th</sup> day of July 2008, at Kansas City, Kansas.

s/ Carlos Murguia  
**CARLOS MURGUIA**  
**United States District Judge**