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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TIMOTHY BUFORD,

Plaintiff,

v.

WASCO STATE PRISON, et al.,

Defendants.

CASE NO. 1:01-cv-05192-SMS PC

ORDER DIRECTING CLERK’S OFFICE
TO CHANGE PLAINTIFF’S ADDRESS OF
RECORD TO SAN QUENTIN STATE PRISON

ORDER STRIKING REQUEST FOR RULING

(Doc. 238)

ORDER GRANTING PLAINTIFF’S MOTION
TO VACATE SECOND SCHEDULING, AND
SET AMENDED MOTION DEADLINE

(Docs. 235 and 237)

Amended Pretrial Dispositive
Motion Deadline: 06/30/2010

_____ /
This is a civil action filed pursuant to 42 U.S.C. § 12132 (Americans with Disabilities Act) by Plaintiff Timothy Buford, a state prisoner proceeding pro se and in forma pauperis. The action is proceeding on Plaintiff’s second amended complaint, filed January 8, 2004, against Defendants Carbajal, Bindel, Huertas, Dobbs, Cheatham, Leong, and Songer.

The most recent pretrial dispositive motion deadline was set for September 14, 2009. Neither Plaintiff nor Defendants filed a motion, and on September 18, 2009, the Court issued the Second Scheduling Order, which set this matter for jury trial on April 20, 2010.

On October 13, 2009, Plaintiff filed a motion seeking to vacate the scheduling order and set a new deadline to file motions for summary judgment, and on November 2, 2009, Plaintiff filed a

1 supplement to his motion. Finally, on November 4, 2009, Plaintiff filed a request for a ruling on his
2 pending motions. Defendants did not file a response to Plaintiff's motions.

3 The Court notes that Plaintiff lists his address on his filings as San Quentin State Prison.
4 Plaintiff's current address of record is Deuel Vocational Institution. The Court has not received a
5 Notice of Change of Address from Plaintiff. Plaintiff is reminded that it is his duty to notify the
6 Court and Defendants' counsel of any changes in his address. In this instance, the Court will direct
7 the Clerk's Office to make the change.

8 Plaintiff's November 4 request for a ruling is inappropriate and shall be stricken from the
9 record.

10 **The Court is both perplexed and vexed by the parties' inability or unwillingness to**
11 **prepare and file motions for summary judgment in this case. There has been ample time for**
12 **the parties to do so, and the case appears to be amenable to resolution prior to jury trial. It**
13 **is only because this case appears to be particularly amenable to resolution prior to trial and**
14 **it is the interest of conservation of the parties' and the Court's resources for such motions to**
15 **be filed that the Court will again set a new deadline.**

16 Accordingly, it is HEREBY ORDERED that:

- 17 1. The Clerk's Office shall change Plaintiff's address of record to San Quentin State
18 Prison;
- 19 2. Plaintiff's request for a ruling, filed November 4, 2009, is STRICKEN;
- 20 3. Plaintiff's motion to vacate the Second Scheduling Order and set a new deadline for
21 pretrial dispositive motions, filed October 13, 2009, and supplemented on November
22 2, 2009, is GRANTED;
- 23 4. The Second Scheduling Order is VACATED in its entirety; and
- 24 5. The amended deadline for filing pretrial dispositive motions is June 30, 2010.

25
26 IT IS SO ORDERED.

27 **Dated: December 16, 2009**

28 **/s/ Sandra M. Snyder**
UNITED STATES MAGISTRATE JUDGE