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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

**Reynaldo Myles,**  
  
**v.**  
**J. Busby, et al.,**

Plaintiff,  
  
Defendants.

1:04-CV-5329-JAT (PC)

**ORDER**

Pending before the Court is Defendant’s motion for reconsideration of this Court’s denial of the motion to stay this case while the parties participate in mediation. Defendant argues that because he has been involved in this case only since November 14, 2008, this Court should not rely on the fact that this case has been pending since 2004 to deny this request. In other words, Defendant claims none of the pre-November 2008 delay should be considered because he was not a party to that delay.

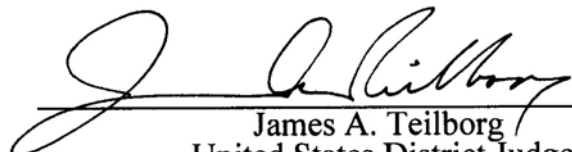
While the Court understands Defendant’s point in this regard, even if this Court were to consider this case “pending” only from the date of the service order (October 7, 2008), under the Civil Justice Reform Act, this Court is to have cases resolved within eighteen months of when they are filed. 28 U.S.C. § 473(a)(2)(B). Under the current schedule, dispositive motions will be filed August 17, 2009. Assuming a typical one and one-half to two month briefing schedule; any dispositive motion will be fully briefed by mid-October. The Court must then consider and rule on the motion(s). Assuming that also takes approximately two months, and assuming the motions are denied, the Court is left with only

1 three and one-half months to complete the trial of this matter within the Civil Justice Reform  
2 Act time line. Obviously, this analysis becomes even more compelling using the actual filing  
3 date of February 23, 2004. Accordingly, the Court will not stay this case, and will not  
4 significantly extend the current schedule. Therefore,

5 IT IS ORDERED that the request for reconsideration is denied (Doc. #47);

6 IT IS FURTHER ORDERED that Defendant's motion for extension of time (Doc.  
7 #48) until May 1, 2009, to respond to Plaintiff's request for production is granted; however,  
8 Defendant is cautioned that if, in the future, he fails to email a proposed form of order to the  
9 chambers email address ([teilborg\\_chambers@azd.uscourts.gov](mailto:teilborg_chambers@azd.uscourts.gov)), motion will be summarily  
10 denied for failing to comply with Eastern District of California Local Rule 5-137(b).

11 DATED this 27<sup>th</sup> day of April, 2009.

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16 James A. Teilborg  
17 United States District Judge  
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