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

Virgil E. Holt,
Plaintiff,
vs.
D. G. Stockman, et al.,
Defendants.

No. CV 1-04-6073-PHX-MHM
ORDER

Pending before the Court are Plaintiff’s Motion and Request for Emergency Injunction (Doc. # 121) and Request for Extension of Time to Comply with the Court’s Rule 16 Scheduling and Discovery Order (Doc. # 122).

Plaintiff submitted his Request for Emergency Injunction on March 7, 2010, explaining that on February 19, 2010, he had been transferred to a new prison facility and was placed in administrative segregation due to a lack of available bed space in the general population. (Doc. # 21, p. 2) Plaintiff claims that as a result of this placement, he is being denied access to his legal property and the law library and is thus being deprived of the ability to continue pretrial discovery. (Id.) Plaintiff requests the Court to “issue an emergency injunctive order commanding the warden . . . and administrative officials to . . . issue Plaintiff all of his legal and allowable property,” “release Plaintiff into the general population,” or in the alternative, “ transfer Plaintiff to a prison capable of meeting Plaintiff’s legal needs” (Id. at 3-4)

1 Plaintiff subsequently filed a Request for Extension of Time to Comply with the Court's
2 Rule 16 Scheduling and Discovery Order, explaining that on March 10, 2010, he was
3 released from administrative segregation and that on April 14, 2010, he was issued some of
4 his legal property, thus enabling him "to prepare to continue to conduct discovery in
5 compliance with this court's Scheduling and Discovery Order." (Doc. # 122, Plaintiff's
6 Declaration, p. 3) However, Plaintiff notes that "the lost 60 days [have] substantially limited
7 and reduced [his] discovery time, thus making it impossible to for [him] to complete
8 discovery within the time remaining." (Id.) Plaintiff therefore requests the Court to extend
9 certain discovery due dates by 60 days.

10 Accordingly, based on the foregoing,

11 **IT IS ORDERED** denying Plaintiff's Motion and Request for Emergency Injunction as
12 moot. (Doc. # 121)

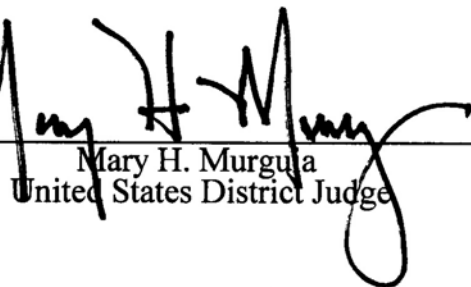
13 Good cause appearing,

14 **IT IS FURTHER ORDERED** granting Plaintiff's Request for Extension of Time to
15 Comply with the Court's Rule 16 Scheduling and Discovery Order. (Doc. # 122)

16 **IT IS FURTHER ORDERED** amending the Court's Rule 16 Scheduling and Discovery
17 Order (Doc. # 104) as follows:

- 18 - All discovery must be completed on or before **August 23, 2010**.
- 19 - All dispositive motions must be filed no later that **October 23, 2010**.
- 20 - A Joint Proposed Pretrial Order must be lodged by **December 22, 2010**.

21 DATED this 11th day of May, 2010.

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25 Mary H. Murgula
26 United States District Judge
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