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

FRANK GONZALES,

Plaintiff,

vs.

MATTHEW L. CATE, et al.,

Defendants.

CASE No. 1:06-cv-01420-AWI-MJS (PC)

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION TO COMPEL AND FOR LEAVE TO TAKE DEPOSITION OF PLAINTIFF BY VIDEOCONFERENCE and (2) EXTENDING DISCOVERY CUT-OFF AND DISPOSITIVE MOTION DEADLINE

(ECF No. 103)

Discovery Cut-off Date: 7/15/13
Dispositive Motion Deadline: 9/23/13

_____/

Plaintiff Frank Gonzales, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on October 13, 2006 pursuant to 42 U.S.C. § 1983. (ECF No. 1.) The action proceeds on Plaintiff's December 24, 2009 Third Amended Complaint (ECF No. 37) against Defendants Lantz, Garrison, Nichols, Deathriage, and Govea for First and Eighth Amendment violations and against Defendants Garza, Franco, Mayes, Cate, Fernando, Marrujo, and Fuentes for a First Amendment violation. (ECF No. 62.)

The Court previously set a discovery deadline of May 13, 2013 and a dispositive motion filing deadline of July 22, 2013. (ECF No. 95.) Pending before the

1 Court is a Motion by Defendants Fernando and Marrujo to compel and for leave to
2 take Plaintiff's deposition by videoconference at a mutually convenient date beyond
3 the current May 15, 2013 discovery cut-off. (ECF No. 103.)

4 The Court finds good cause for a videoconference deposition of Plaintiff
5 pursuant to Fed. R. Civ. P. 30(b)(4) and to continue discovery and dispositive motion
6 deadlines to enable the deposition to take place and dispositive motions to be filed
7 thereafter as appropriate. Plaintiff is in custody. There is no indication Plaintiff would
8 not make himself available to be deposed and hence no demonstrated need for a
9 court order compelling his attendance at the deposition.

10 Accordingly, for the reasons stated it is HEREBY ORDERED that:

- 11 1. Defendants' Motion (ECF No. 103) for leave to take Plaintiff's deposition
12 by videoconference is GRANTED provided nothing in this Order shall be
13 interpreted as requiring the institution in which Plaintiff is housed to
14 obtain videoconferencing equipment if it is not already available, and
15 further provided Plaintiff's deposition shall be taken prior to the discovery
16 cut-off date below;
- 17 2. Defendants' Motion (ECF No. 103) to compel Plaintiff's attendance at
18 deposition is DENIED without prejudice;
- 19 3. The discovery cut-off date is extended to July 15, 2013 and the
20 dispositive motion deadline is extended to September 23, 2013; and
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1 4. The Court Clerk is directed to serve this Order on Plaintiff at the
2 following addresses:

3 Frank Gonzales	Frank Gonzales #T-50479
4 c/o C.M. Moore	Wasco State Prison B-1-127 Lower
5 35 Bonito Way	P.O. BOX 5500
6 Oak Harbor, WA 98277	WASCO, CA 93280-5500

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11 IT IS SO ORDERED.

12 Dated: May 10, 2013

13 /s/ Michael J. Seng
14 UNITED STATES MAGISTRATE JUDGE