

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CARLOS QUIROZ,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,
et al.,

Defendants.

CASE NO. 1:06-CV-01426-OWW-DLB PC

ORDER DENYING PLAINTIFF'S MOTION
FOR TRANSPORT OF OTHER PRISONERS

(DOC. 60)

ORDER GRANTING DEFENDANTS'
MOTION FOR CONTINUANCE AND
MODIFICATION OF SCHEDULING ORDER

(DOC. 62)

Plaintiff Carlos Quiroz ("Plaintiff") is a California state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants Shen and Attygalla for violation of the Eighth Amendment. The matter is currently set for jury trial.

Pending before the Court is: 1) Plaintiff's motion requesting transport of two other prisoners to trial, filed December 27, 2010, and 2) Defendants' motion to amend the scheduling order and continue the trial, filed January 4, 2011.

I. Plaintiff's Motion

Plaintiff moves for the Court to allow two inmates, Gabriel Santiago and Edward Chapin, to be transported to court for trial. Doc. 60. Plaintiff contends that these inmates will assist Plaintiff with the proceedings, as Mr. Santiago speaks both Spanish and English, and Mr. Chapin has a better understanding of the law than Plaintiff.

Defendants filed an opposition to this motion on December 30, 2010. Doc. 61.

1 Defendants contend that there is no legal authority in support of Plaintiff's request.

2 Defendants are correct. Mr. Santiago and Mr. Chapin have nothing to do with this action.
3 Plaintiff has no right to inmate assistants during trial. Accordingly, Plaintiff's motion is denied.

4 **II. Defendants' Motion**

5 Defendant Shen contends that he is currently in Taiwan acting as the primary caregiver
6 for his sick mother. Defendant Shen contends that his mother's condition has become grave and
7 that she will not live for much longer. Defendants request that the Court continue the trial until
8 August 2011.

9 Modification of the Court's scheduling order requires a showing of good cause. Fed. R.
10 Civ. P. 16(b)(4). Good cause having been presented, the Court HEREBY GRANTS Defendants'
11 motion to amend the scheduling order and continue the trial until August 2011. The Court will,
12 by separate order, set a new schedule for trial.

13 IT IS SO ORDERED.

14 **Dated: January 6, 2011**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE