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5 **UNITED STATES DISTRICT COURT**
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EASTERN DISTRICT OF CALIFORNIA

8 CARLOS QUIROZ,

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

9 Plaintiff,

ORDER DENYING PLAINTIFF'S MOTION
FOR TRANSPORT OF OTHER PRISONERS

10 v.

(DOC. 60)

11 CALIFORNIA DEPARTMENT OF
12 CORRECTIONS AND REHABILITATION,
et al.,ORDER GRANTING DEFENDANTS'
MOTION FOR CONTINUANCE AND
MODIFICATION OF SCHEDULING ORDER

13 Defendants.

(DOC. 62)

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16 Plaintiff Carlos Quiroz ("Plaintiff") is a California state prisoner proceeding pro se and in
17 forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding
18 against Defendants Shen and Attygalla for violation of the Eighth Amendment. The matter is
19 currently set for jury trial.20 Pending before the Court is: 1) Plaintiff's motion requesting transport of two other
21 prisoners to trial, filed December 27, 2010, and 2) Defendants' motion to amend the scheduling
22 order and continue the trial, filed January 4, 2011.23 **I. Plaintiff's Motion**24 Plaintiff moves for the Court to allow two inmates, Gabriel Santiago and Edward Chapin,
25 to be transported to court for trial. Doc. 60. Plaintiff contends that these inmates will assist
26 Plaintiff with the proceedings, as Mr. Santiago speaks both Spanish and English, and Mr. Chapin
27 has a better understanding of the law than Plaintiff.

28 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

15 UNITED STATES MAGISTRATE JUDGE

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