

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

RAFAEL S. ORDAZ,)	
)	Case No. 1:07-CV-634-BLW-MHW
Plaintiff,)	
)	ORDER ADOPTING
v.)	REPORT AND
)	RECOMMENDATION
H. TATE, et al.,)	
)	
Defendants.)	
_____)	

The Court has before it a Report and Recommendation filed by the United States Magistrate Judge (Docket No. 40) recommending denial of the pending Motion to Dismiss (Docket No. 34). The time period for filing objections to the Report has passed without either party filing an objection. Having reviewed the Report and Recommendation and having independently reviewed the record in this case, the Court finds that the Report and Recommendation reflects an appropriate application of the law to the facts of this case. Therefore, the Court adopts the Report and Recommendation in full.

The Magistrate Judge set a discovery deadline of September 21, 2009, and a dispositive motion deadline of October 21, 2009. Because Plaintiff has filed

additional discovery motions since that deadline was set, this Court shall extend the deadlines set by the Magistrate Judge by two months in order allow Plaintiff to complete his discovery. Plaintiff's Motion to Invoke HIPAA (Docket No. 44) and Motion to Comply with Discovery and Disclosures (Docket No. 45) shall be deemed moot because the Court is ordering Plaintiff and Defendants' counsel to confer by letter or telephone within ten (10) days after entry of this Order in an effort to resolve their remaining discovery disputes. Within twenty (20) days after entry of this Order, the parties shall provide each other with relevant information pertaining to the claims and defenses in this case, including the names of individuals likely to have discoverable information, along with the subject of the information, as well as any relevant documents in their possession, including Plaintiff's medical and prison records, in a redacted form if necessary for security or privilege purposes; and, if necessary, they shall provide a security/privilege log sufficiently describing any undisclosed relevant documents which are alleged to be subject to nondisclosure. Any party may request that the Court conduct an in camera review of withheld documents or information.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED that the Report and Recommendation (Docket No. 40) is ADOPTED in full.

IT IS FURTHER HEREBY ORDERED as follows:

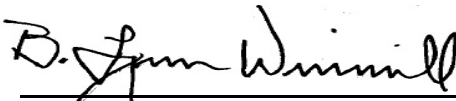
- A. Defendants' Motion to Dismiss (Docket No. 34) is DENIED.
- B. Plaintiff's Motion to Invoke HIPAA (Docket No. 44) and Motion to Comply with Discovery and Disclosures (Docket No. 45) are MOOT.
- C. Plaintiff's Motion to Rule and Continue Discovery Deadlines (Docket No. 41) is MOOT in part and GRANTED in part; the discovery deadline is extended to **November 23, 2009**, and the dispositive motion filing deadline is extended to **January 22, 2010**. Plaintiff and Defendants' counsel shall confer by letter or telephone within ten (10) days after entry of this Order in an effort to resolve their remaining discovery disputes. Within twenty (20) days after entry of this Order, the parties shall provide each other with relevant information pertaining to the claims and defenses in this case.
- D. Plaintiff's Motion to Resend Recent Proceedings (Docket No. 43) is GRANTED. The Clerk of Court shall send a copy of the Order and Report and Recommendation at Docket No. 40 to Plaintiff. Because

the Report and Recommendation is favorable to Plaintiff, the Court will not delay this action any further by waiting for a response from Plaintiff.

- E. Plaintiff's Contentions Motion (Docket No. 35) is MOOT; the content of this Motion has been considered as argument in opposition to the pending Motion to Dismiss.



DATED: **September 8, 2009**



Honorable B. Lynn Winmill
Chief U. S. District Judge