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

RODOLFO C. ANDERSON,

Plaintiff,

Case No. 1:07-cv-00715 ALA (P)

vs.

DR. TALISMAN,

ORDER

Defendant.

_____ /

On January 20, 2009, Plaintiff Rodolfo C. Anderson (“Plaintiff”) filed a reply to Defendant Dr. Talisman’s answer (Doc. No. 35) (“Reply”). In this Reply, Plaintiff requests this Court (1) grant summary judgement for Plaintiff, (2) award compensatory and punitive damages to Plaintiff, (3) set a date for discovery, and (4) grant any other relief the Court deems proper.

On January 20, 2009, this Court issued an amended scheduling order. The Amended Scheduling Order allowed the parties to commence discovery and contained the discovery cutoff date. Thus, Plaintiff’s request that the Court set a date for discovery is moot. Further, this Court will entertain motions for summary judgment following the completion of discovery.

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s request that the court set a date

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1 for discovery is DENIED as moot, and Plaintiff's request for summary judgment and damages is
2 DENIED without prejudice.

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4 DATED: January 21, 2009

5 /s/ Arthur L. Alarcón
6 UNITED STATES CIRCUIT JUDGE
7 Sitting by Designation
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