

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DAVID GONZALEZ, et al.,

Plaintiffs,

vs.

TULARE COUNTY SHERIFF'S DEPUTY
G. MARKS, et al.,

Defendants.

) 1:07-cv-00949 OWW GSA

)
) ORDER VACATING MINUTE ORDER AND
) TAKING DEFENDANTS' MOTION
) TO COMPEL OFF CALENDAR
) (Documents 32 and 34)

Defendants filed a motion to compel on December 4, 2008. The parties did not file a timely joint statement re discovery dispute or an affidavit as set forth in Local Rule 37-251. On January 7, 2009, the Court entered a text only minute order taking the motion off calendar and under submission. (Docket No. 34). This entry was in error. The Court hereby VACATES the January 7, 2009 minute order.

However, the hearing on Defendants' Motion to Compel the Deposition of Plaintiff David Gonzalez and the Disclosure of David Gonzalez' Mental Health Records is DROPPED from the calendar without prejudice for the failure of the parties to comply with Local Rule 37-251. The hearing is subject to renote by the moving party in accordance with Local Rule 37-251.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: January 8, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE