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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

LAVELLE TYRONE PLAYER,

Plaintiff,

v.

ADAMS, et al.,

Defendants.

CASE NO. 1:07-cv-01312-OWW-DLB PC

ORDER DENYING MOTION TO VACATE  
AND MODIFYING DISCOVERY AND  
SCHEDULING ORDER

(Doc. 49)

On May 24, 2010, Defendants Campbell, Watson, Johnson, Proulx, Miller, Rangel, and Oftedhal (“Defendants”) filed a motion to vacate the Court’s discovery and scheduling order, issued October 15, 2009. (Doc. 49.) All Defendants except for Defendant Oftedhal filed an answer to Plaintiff’s second amended complaint on October 12, 2009. Defendant Oftedhal appeared in this action on April 28, 2010, when he filed his answer. Defendants contend that because Defendant Oftedhal only recently appeared in this action, the Court should vacate and reissue its discovery and scheduling order.

The Court declines to vacate its October 15, 2009 scheduling and discovery order. However, the Court will grant Defendant Oftedhal an extension of time to conduct discovery in this action. This extension of time also applies to Plaintiff for discovery requests concerning Defendant Oftedhal. The Court will also extend the deadline for Defendant Oftedhal to file an unenumerated Rule 12(b) motion, as well as extend the deadline for the filing of a dispositive motion for all parties. All other deadlines will remain the same.

1 Based on the foregoing, the Court HEREBY ORDERS the following:

- 2 1) The discovery cutoff date for Defendant Oftedhal and for Plaintiff for discovery  
3 requests concerning Defendant Oftedhal, is **September 15, 2010**;
- 4 2) The unenumerated Rule 12(b) motion deadline for Defendant Oftedhal is **July 1,**  
5 **2010**; and
- 6 3) The dispositive motion deadline for all parties is **October 20, 2010**.

7 IT IS SO ORDERED.

8 **Dated: June 1, 2010**

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE