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

JAMES EDWARDS ROBERTS,

1:08-cv-00162-LJO-GSA-PC

Plaintiff,

ORDER VACATING PLAINTIFF’S  
MOTIONS TO COMPEL DISCOVERY  
FROM COURT’S CALENDAR, PENDING  
RECOMMENCEMENT OF DISCOVERY  
PHASE  
(Docs. 47, 49.)

vs.

CORRECTIONAL OFFICER SALANO,  
et al.,

Defendants.

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James Edwards Roberts (“Plaintiff”) is a state prisoner proceeding with this civil rights action pursuant to 42 U.S.C. § 1983. This action now proceeds on Plaintiff’s original Complaint, filed January 31, 2008, against defendant Salano for violating Plaintiff’s right to informational privacy under the Due Process Clause.<sup>1</sup>

Now pending are Plaintiff’s two motions to compel discovery, filed on March 17, 2010 and March 24, 2010. (Docs. 47, 49.) On May 30, 2010, the Court vacated the deadlines scheduled in this action, including the deadline for completion of discovery, due to Plaintiff’s inability to prosecute this action after being admitted into a psychiatric facility. (Doc. 57.) On October 14,

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<sup>1</sup>On October 22, 2008, the Court dismissed Plaintiff’s Eighth Amendment claim, to the extent one was alleged, for failure to state a claim. (Doc. 15.) The Court also dismissed defendant Martinez from this action based on Plaintiff’s failure to state any claims against him. *Id.* Therefore, the only defendant remaining in this action is defendant Salano.

1 2010, Plaintiff notified the Court that he needs treatment and time to adjust to medications before he  
2 can proceed with this case. (Doc. 65.) On October 22, 2010, the Court ordered Plaintiff to file a  
3 status report within sixty days, notifying the Court of his intent and ability to continue this action.  
4 (Doc. 66.)

5 In light of the foregoing, the Court HEREBY ORDERS Plaintiff's two motions to compel  
6 discovery, filed on March 17, 2010 and March 24, 2010, VACATED from the Court's calendar,  
7 pending recommencement of the discovery phase of this litigation.

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9 IT IS SO ORDERED.

10 Dated: November 8, 2010

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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