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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 RESUMING DISCOVERY

vs.

CORRECTIONAL OFFICER SALANO,
et al.,

ORDER REINSTATING PLAINTIFF'S
MOTIONS TO COMPEL ON COURT'S
CALENDAR
(Docs. 47, 49.)

Defendants.

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.¹ Plaintiff is currently housed at the California Medical Facility ("CMF") in Vacaville, California, where he is receiving psychiatric treatment. Due to Plaintiff's mental health issues, the Court vacated the Scheduling Order for this action on May 10, 2010. (Doc. 57.) On November 8, 2010, the Court also vacated Plaintiff's motions to compel, filed on March 17, 2010 and March 24, 2010, from the Court's calendar, pending recommencement of discovery. (Doc. 67.)

¹On 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 On December 17, 2010, Plaintiff filed a status report in response to the Court's order of
2 October 22, 2010 which ordered him to file a status report within sixty days. (Doc. 68.) Plaintiff
3 reports that he continues to be housed in the acute psychiatric facility at CMF and is being treated for
4 serious psychiatric issues. However, Plaintiff claims he is prepared at this time for recommencement
5 of the schedule in this action for discovery and dispositive motions and will participate in discovery
6 as soon as he receives his legal property at CMF. Plaintiff expects to be discharged from the CMF
7 program in March 2011 but hopes to receive his legal property before then.

8 Based on Plaintiff's status report, the Court shall resume discovery in this action and, by
9 separate Scheduling Order, establish pretrial deadlines. Plaintiff's motions to compel shall be
10 reinstated. Should the parties require additional time to conduct discovery, they should file a motion
11 for extension of time with a showing of good cause.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Discovery in this action is now resumed;
- 14 2. By separate Scheduling Order, the Court shall establish new pretrial deadlines; and
- 15 3. Plaintiff's motions to compel, filed on March 17, 2010 and March 24, 2010, are
16 reinstated on the Court's calendar.

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18 IT IS SO ORDERED.

19 **Dated: December 22, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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