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

Donnie Phillips,

Plaintiff,

vs.

Timothy Turmezei, et. al.,

Defendants.

) No. 1:08-cv-1388-FJM

) **ORDER**

\_\_\_\_\_ )  
The court has before it defendants Murphy, Gentry, Sullivan, Holland, Peterson, Turmezei, and Verdin's request for a one day extension of time to file a reply in support of their motion for summary judgment (doc. 70), and motion to vacate the scheduling order (doc. 75). While the reassignment of counsel is not good cause to amend the scheduling order, we will extend the deadline one month to accommodate the arrival of new defense counsel. The parties will have to and including April 4, 2011 in which to file a joint proposed pre-trial statement.

**THEREFORE IT IS ORDERED GRANTING** defendants' motion for an extension of time to file a reply in support of their motion for summary judgment (doc. 70). Defendants shall have to and including January 13, 2011 within which to file a reply.

**IT IS FURTHER ORDERED DENYING** defendants' motion to vacate the scheduling order (doc. 75). However, the parties shall have to and including April 4, 2011

1 in which to file a joint proposed pretrial statement.

2 DATED this 1<sup>st</sup> day of February, 2011.

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*Frederick J. Martone*  
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Frederick J. Martone  
United States District Judge

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