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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BARRY LOUIS LAMON,)	Case No. 1:09-cv-00205-LJO-SMS (PC)
)	
Plaintiff,)	ORDER GRANTING WITHDRAWAL
)	OF DEFENDANTS' MOTION FOR
v.)	SUMMARY JUDGMENT and AMENDING
)	THE SCHEDULING ORDER
ADAMS, et al.,)	
)	(ECF Nos. 175, 224)
Defendants.)	
)	Dispositive Motion Due - 11/12/2013
)	Opposition Due - 01/13/2014
)	Reply Due - 01/31/2014

Barry Louis Lamon (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 and is proceeding on the Complaint, filed February 2, 2009, on his claims against Defendants Baer, Valdez, Buenos, Lee, Ponce, and Purvis for excessive use of force and deliberate indifference for Plaintiff’s safety in violation of the Eighth Amendment and for retaliation in violation of the First Amendment.

Defendants filed a motion for summary judgment. (ECF No. 175.) Plaintiff filed an opposition to which Defendants replied. (ECF Nos. 218, 220.) On cursory review, both the moving and opposing papers for this motion were seriously deficient (both due their own insufficient efforts and due to sequences of events beyond their control). Thus, opportunity was given for withdrawal and new filing of both moving and opposing papers which was accepted. (ECF Nos. 223, 224.)

It is well within the discretion of this Court to manage its docket and calendar. Given that ruling on the Defendants' currently filed motion for summary judgment will drain judicial resources to

1 only accomplish a narrowing of a few claims against a few of the Defendants which may serve no
2 purpose other than to create confusion for the ultimate trier of fact and given that the motion was filed
3 before all discovery disputes could be resolved, good cause exists to accept the withdrawal of
4 Defendants' motion for summary judgment and to set new deadlines for filing of and opposing
5 dispositive motions. Fed. R. Civ. P. 16(b).

6 Accordingly, good cause existing, it is HEREBY ORDERED that;

- 7 (1) Defendants' motion for summary judgment, filed on September 7, 2012 (ECF No. 175),
8 is removed from the Court's calendar and is deemed withdrawn;
- 9 (2) the discovery and scheduling order is amended as follows:
- 10 (a) the deadline for filing a pre-trial dispositive motion¹ is November 12, 2013;
- 11 (b) the deadline for filing an opposition² to a dispositive motion is January 13,
12 2014;
- 13 (c) the deadline for filing a reply to any opposition to a dispositive motion is
14 January 31, 2014; and
- 15 (3) Any request for an extension of a deadline set in this order must be filed on or before
16 the expiration of the deadline in question; and
- 17 (4) Further extensions of time will be granted on a showing of good cause.
- 18
- 19

20 IT IS SO ORDERED.

21 Dated: September 17, 2013

22 /s/ Sandra M. Snyder
23 UNITED STATES MAGISTRATE JUDGE

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26 ¹ Any dispositive motion filed under this order must be new and complete within itself.

27 ² Any opposition to a dispositive motion must likewise be entirely new and complete within itself (i.e. it must include all
28 documents (or legible copies thereof) relied on as evidence and may not generally reference prior filings in this action).
Plaintiff may not file an "amendment to" or "supplement to" any oppositions that he has filed in the past.