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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LOUIS OLIVEREZ, JR.,

Plaintiff,

v.

BEN ALBITRE, et al.,

Defendants.

CASE NO. 1:09-cv-00352-LJO-SKO PC

ORDER DENYING MOTION FOR TRIAL
DATE AS PREMATURE

(Doc. 37)

Plaintiff Louis Oliverez, Jr. is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On December 23, 2011, Plaintiff filed a motion seeking a trial date.

Currently pending before the Court is Defendants’ motion for summary judgment, filed on December 8, 2011. This matter will not be set for trial until and unless Defendants’ motion is denied in full or in part. If Defendants’ motion does not resolve the case in its entirety, the Court will, at that time, issue another scheduling order as a matter of course.

Accordingly, Plaintiff’s motion to set a trial date is **HEREBY DENIED** as premature.

IT IS SO ORDERED.

Dated: January 3, 2012

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE