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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAYMAR DODDS,

Plaintiff,

v.

E. LASCANO, et al.,

Defendants.

CASE NO. 1:09-CV-00656-AWI-DLB PC

ORDER GRANTING DEFENDANTS’
MOTION AND VACATING SEPTEMBER
14, 2010 DISCOVERY AND SCHEDULING
ORDER (DOC. 37)

ORDER DISREGARDING DEFENDANT’S
MOTION FOR PROTECTIVE ORDER AS
MOOT (DOC. 31)

Plaintiff Jaymar Dodds (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”), proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action was proceeding against Defendants E. Lascano, J. Hamlin, and B. Williams. On September 21, 2011, the Court dismissed Defendant Williams from this action. Doc. 43. Pending before the Court are 1) Defendant Williams’s motion for protective order, filed December 10, 2010, and 2) Defendants’ motion to vacate the Court’s Scheduling Order, filed April 6, 2011. Docs. 31, 37.

Defendant Williams moved the Court for a protective order, requesting a stay of discovery pending resolution of Defendant’s motion to dismiss. Williams Mot. 3-4. Because Defendant Williams was dismissed from this action, Defendant’s motion is moot. Accordingly, it is HEREBY ORDERED that Defendant Williams’s motion, filed December 10, 2010, is disregarded.

Defendants contend in their April 6, 2011 motion that the Court’s Discovery and Scheduling order, filed September 14, 2010, should be vacated pending the outcome of

1 Defendants' motions to dismiss. Defs.' Mot. 4. The Court granted Defendant Lascano and
2 Hamlin's motion in part, and ordered Defendants to file an answer. Doc. 43. Good cause is
3 required to modify the Court's schedule. Fed. R. Civ. P. 16(b)(4). Defendants Lascano and
4 Hamlin did not appear in this action until April 6, 2011, and have yet to file an answer. Good
5 cause exists to modify the Discovery and Scheduling order.

6 Accordingly, it is HEREBY ORDERED that Defendants' motion to vacate the Court's
7 September 14, 2010 Discovery and Scheduling Order is GRANTED, and that order is
8 VACATED.

9 IT IS SO ORDERED.

10 **Dated: September 22, 2011**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE