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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JIMMY MCDONALD,

Plaintiff,

v.

J. A. YATES, et al.,

Defendants.

CASE NO. 1:09-cv-00730-LJO-SKO PC

ORDER EXTENDING APPLICATION OF
DISCOVERY AND SCHEDULING ORDER
TO DEFENDANTS CLARK AND
RODRIGUEZ

(Docs. 28 and 48)

ORDER REQUIRING PARTIES TO FILE
STATUS REPORTS WITHIN THIRTY DAYS
IF AMENDMENTS TO THE SCHEDULING
ORDER ARE NECESSARY

Plaintiff Jimmy McDonald, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on April 24, 2009. This action is proceeding against Defendants Cano, Clark, Rodriguez, and Roberts on Plaintiff’s Eighth Amendment claim arising out of their alleged failure to accommodate his medical need for a lower bunk. 28 U.S.C. § 1915A.

Defendants Cano and Roberts filed an answer to the complaint on July 6, 2011, and the Court issued the operative discovery and scheduling order on July 7, 2011. Pursuant to that scheduling order, the deadline to file a motion to dismiss for failure to exhaust was September 7, 2011; the deadline to amend the pleadings was January 7, 2012; the discovery deadline is March 7, 2012; and the deadline to file pretrial dispositive motions is May 17, 2012.

On February 1, 2012, Defendants Clark and Rodriguez filed their answer to the complaint.

Accordingly, based on Defendant Clark and Rodriguez’s recent answer, it is HEREBY ORDERED that:

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1. Application of the discovery and scheduling order filed on July 7, 2011, is EXTENDED to Defendants Clark and Rodriguez;
2. If the parties need any of the deadlines set in the scheduling order to be amended in light of the recent appearance by Defendants Clark and Rodriguez, they are REQUIRED to file status reports within **thirty (30) days** identifying the deadlines that need extended and how much additional time they seek; and
3. **If the parties do not file status reports within thirty days, the scheduling order filed on July 7, 2011, will remain in effect.**

IT IS SO ORDERED.

Dated: February 6, 2012

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE