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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LARRY ZUNIGA,

Plaintiff,

v.

CHRIS JORDAN, et al.,

Defendants.

CASE NO. 1:09-cv-01208-AWI-BAM PC

ORDER DENYING PLAINTIFF’S MOTION TO
VACATE TRIAL AND AMENDING MOTION
IN LIMINE DATE

(ECF Nos. 64, 65)

PLAINTIFF’S MOTIONS IN LIMINE DUE BY
JUNE 15, 2012

Plaintiff Larry Zuniga (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This matter is currently set for a motion in limine hearing on June 25, 2012, and jury trial on July 17, 2012. On May 11, 2012, Plaintiff filed a motion to vacate the trial date because he has been denied access to his property and is unable to prepare for trial. On May 14, 2012, motions in limine were due. On June 1, 2012, an order issued denying Plaintiff’s motion to vacate the jury trial. On June 4, 2012, Plaintiff filed a second motion to vacate the jury trial and Defendants filed an opposition.

Initially, in the order issued June 1, 2012, two different dates were stated for Plaintiff to file his motions in limine. Plaintiff’s motions in limine shall be due on June 15, 2012.

Modification of a scheduling order requires a showing of good cause. Fed. R. Civ. P. 16(b). At this time, the Court shall deny Plaintiff’s motion to vacate the trial date. Plaintiff’s lack of access has been addressed by a court order. Plaintiff has been granted an extension of time to June 15, 2012, to file his motions in limine and opposition to Defendants’ motions in limine. The Court requested that defense counsel contact the prison and facilitate Plaintiff’s access to his legal property

1 and materials needed to prepare for trial. Accordingly, it is HEREBY ORDERED that:

- 2 1. Plaintiff's motion to vacate the jury trial, filed June 4, 2012, is DENIED; and
3 2. Plaintiff's motions in limine are due on or before June 15, 2012, and Defendants'
4 opposition shall be due on or before June 20, 2012.

5 IT IS SO ORDERED.

6 Dated: June 12, 2012


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8 CHIEF UNITED STATES DISTRICT JUDGE
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