

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA
10

11 MARLIN LATTEREAL ROYAL,

1:09-cv-01407 BAM (PC)

12 Plaintiff,

ORDER MODIFYING DISCOVERY AND
SCHEDULING ORDER

13 vs.

(ECF No. 42)

14 S. KNIGHT, et al.,

15 Defendants.
16 _____/

17 Plaintiff is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. §
18 1983. Discovery in this action opened on April 16, 2012, and the discovery cut-off date is
19 December 16, 2012. (ECF No. 38.) On October 30, 2012, Defendants filed a motion for
20 summary judgment. (ECF No. 40.) On November 14, 2012, Defendants filed a motion to
21 modify schedule. Defendants' move to modify the scheduling order to allow Plaintiff's
22 deposition to be taken after the resolution of their motion for summary judgment. (ECF No.
23 42.) Defendants contend that, should the court grant the motion for summary judgment, the
24 cost of taking Plaintiff's deposition will be unnecessary. In the interest of speedy and
25 inexpensive determination of this litigation, Defendants request to have the deadline to take
26 Plaintiff's deposition vacated and reset after determination of Defendants' motion for summary
27 judgment.

28 Defendants have presented good cause to modify the scheduling order to allow

1 Plaintiff's deposition to be taken after the determination of the motion for summary judgment.
2 Accordingly, IT IS HEREBY ORDERED that should Defendants' motion for summary
3 judgment be denied in whole or in part, the discovery deadline shall be extended and
4 Defendants are granted sixty days from the date of the order deciding the motion in which to
5 depose Plaintiff.
6

7 IT IS SO ORDERED.

8 **Dated: November 16, 2012**

/s/ Barbara A. McAuliffe

9 UNITED STATES MAGISTRATE JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28