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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION

HAROLD WALKER,

CASE NO. 1:09-cv-1667-OWW-SKO

Plaintiff,

**DISCOVERY ORDER**  
**SCHEDULING ORDER**

v.

**Unenumerated Rule 12(b) Motion Deadline–November 4, 2010**  
**Deadline to Amend Pleadings–April 22, 2011**  
**Discovery Cut-Off date–June 24, 2011**  
**Dispositive Motion Deadline–August 19, 2011**

FRESNO POLICE DEPARTMENT,  
et. al.,

Defendants.  
\_\_\_\_\_ /

On October 21, 2010, Defendants Alvarez, C. Aranas, L. Leibee, P. Corona, and L. Dozier answered the complaint filed on November 9, 2009. (Doc. 40.) Pursuant to Federal Rules of Civil Procedure 1, 16, and 26-36, discovery shall proceed as follows:

1. Discovery requests shall be served by the parties pursuant to Federal Rules of Civil Procedure 5 and Local Rule 135, and shall only be filed when required by Local Rules 250.1, 250.2 and 250.3;

2. Responses to written discovery requests shall be due forty-five (45) days after the request is first served;

1           3.       To ensure that the responding party has forty-five (45) days to respond after the  
2 request is first served, discovery requests must be served at least forty-five (45) days before the  
3 discovery deadline;

4           4.       Pursuant to Federal Rule of Civil Procedure 30(a), defendants may depose Plaintiff  
5 and any other witness confined in a prison upon condition that, at least fourteen (14) days before  
6 such a deposition, defendants serve all parties with the notice required by Federal Rule of Civil  
7 Procedure 30(b)(1); and

8           5.       If disputes arise about the parties' obligations to respond to requests for discovery,  
9 the parties shall comply with all pertinent rules including Rules 5, 7, 11, 26, and 37 of the Federal  
10 Rules of Civil Procedure and Rules 110, 130, 131, 133, 135, 136, 142, and 230(1) of the Local Rules  
11 of Practice for the United States District Court, Eastern District of California. Unless otherwise  
12 ordered, Local Rule 251 shall not apply, and the requirement set forth in Federal Rules of Civil  
13 Procedure 26 and 37 that a party seeking relief from the court certify that he or she has in good faith  
14 conferred or attempted to confer with the other party or person in an effort to resolve the dispute  
15 prior to seeking court action shall not apply. Voluntary compliance with this provision of Rules 26  
16 and 37 is encouraged, however. A discovery motion that does not comply with all applicable rules  
17 will be stricken and may result in imposition of sanctions.

18           **Further, the parties are advised of the following deadlines:**

19           6.       The deadline for filing motions to dismiss for failure to exhaust administrative  
20 remedies pursuant to the unenumerated portion of Federal Rule of Civil Procedure  
21 12(b) shall be November 4, 2010;

22           7.       The deadline for amending the pleadings shall be April 22, 2011;

23           8.       The deadline for the completion of all discovery, including filing motions to compel,  
24 shall be June 24, 2011;

25           9.       The deadline for filing pre-trial dispositive motions shall be on August 19, 2011;<sup>1</sup>  
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27           <sup>1</sup> The pre-trial dispositive motion deadline does not apply to the filing of unenumerated Rule 12(b) motions  
28 to dismiss for failure to exhaust administrative remedies. Unenumerated Rule 12(b) motions for failure to exhaust  
administrative remedies must be filed on or before the deadline separately set forth in this order.

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**10. A request for an extension of a deadline set in this order must be filed on or before the expiration of the deadline in question; and**

**11. An extension of time will only be granted on a showing of good cause.**

IT IS SO ORDERED.

**Dated: October 22, 2010**

**/s/ Sheila K. Oberto**  
**UNITED STATES MAGISTRATE JUDGE**