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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

IREN ANDERSON,

CASE No. 1:09-cv-01924-LJO-MJS (PC)

Plaintiff,

ORDER DENYING, WITHOUT PREJUDICE,
PLAINTIFF'S MISCELLANEOUS
MOTIONS

v.

RON D. HANSEN, et al.,

(ECF No. 57, 59)

Defendants.

_____ /

Plaintiff Iren Anderson is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed November 2, 2009 pursuant to 42 U.S.C. § 1983. (Compl., ECF No. 1.) This matter proceeds on Plaintiff's Second Amended Complaint (Second Am. Compl., ECF No. 19) alleging claims of excessive force against Defendant Hansen, failure to protect against Defendant Hartley, and failure to intervene against Defendant Lewis. (Order Finding Cognizable Claims, ECF No. 20.) Defendants Hansen, Hartley, and Lewis have answered. (Answers, ECF Nos. 25, 43.) Discovery in this matter closed November 1, 2012. (Order Am. Discovery and Scheduling Order, ECF No. 52, at § III(D).) The dispositive motion deadline is January 10, 2013. (Id.)

Pending before the Court are Plaintiff's first at-issue memorandum and trial readiness motion to set the matter for trial (Mot. Set. Trial, ECF No. 57), and motion for subpoena duces tecum for Defendant Hartley to produce video recording at trial. (Mot.

1 Subpoena, ECF No. 59.)

2 Plaintiff's instant motions are premature and denied on that basis. The time
3 within which to file dispositive motions has not expired. The Court will set a further
4 schedule for this litigation and provide for trial submittals and motions in due course.
5 Fed. R. Civ. P. 16(b).

6 Accordingly, it is HEREBY ORDERED that Plaintiff's first at-issue memorandum
7 and trial readiness motion to set the matter for trial (ECF No. 57) and motion for
8 subpoena duces tecum for Defendant Hartley to produce video recording at trial (ECF
9 No. 59) are DENIED without prejudice.

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11 IT IS SO ORDERED.

12 Dated: January 7, 2013

1st Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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