IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

OMAR AGEEL,

Plaintiff,

vs.

F. GONZALES, et al.,

Defendants.

_____/

Case No. 1:09-cv-02076 JLT (PC)

ORDER CLARIFYING DISCOVERY AND SCHEDULING ORDER

(Doc. 31)

On January 20, 2012, Defendants filed a request for clarification of the Court's Discovery and Scheduling Order. (Doc. 31) Defendants seek clarification whether the Court's order applies to all defendants or only as to the single defendant who has filed an answer to the complaint. Id. at 1. They remind the Court that the remaining defendants have appeared but through the filing of a motion to dismiss rather than filing an answer. Id.

Defendants are advised that the Court's Discovery and Scheduling Order is issued upon the filing of an answer by any defendant. Thus, despite the appearance to the contrary, the Court is aware of the motion to dismiss and will turn its attention to this motion at its very earliest convenience. Unfortunately, due to the overwhelming number of cases filed in this District, the motion will be addressed when the Court's resources are available to consider it. In the meanwhile, the case must proceed through discovery in order for there to be a timely resolution to the matter.

Therefore, the Court clarifies that the Discovery and Scheduling Order, indeed, applies to all defendants–including those for whom a motion to dismiss has been filed.

IT IS SO ORDERED.

Dated: **January 27, 2012**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE