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11  
12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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16 **ZEARLEAN COOPER,**

17 Plaintiff,

18 v.  
19

20 **MATTHEW CATE, Secretary of the**  
**California Department of Corrections &**  
21 **Rehabilitation; THE CALIFORNIA**  
**DEPARTMENT OF CORRECTIONS &**  
22 **REHABILITATION; MARY**  
23 **LATTIMORE, Warden, Central California**  
**Women's Facility; JAVIER CAVAZOS,**  
24 **Chief Deputy Warden, Central California**  
**Women's facility; MICHAEL TANN,**  
25 **Associate Warden Central California**  
**Women's Facility; and CAPTAIN FRANK**  
26 **SANDERS, JR, Custody Captain Central**  
**California Women's Facility,**

27 Defendants.  
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1:10-CV-00899-AWI-DLB

**JOINT REQUEST TO CONTINUE  
SCHEDULING CONFERENCE;**

**ORDER**

The Honorable Dennis L. Beck

Action Filed: May 19, 2010

1           On September 13, 2010, counsel for defendants filed a Stipulation re Waiver of Service and  
2 Filing of Responsive Pleadings. Pursuant to the agreement of counsel, defendants California  
3 Department of Corrections and Rehabilitation, Matthew Cate, Javier Cavazos, Frank Sanders, Jr.,  
4 Mary Lattimore and Michael Tann will file and serve their responsive pleading in this matter on  
5 September 24, 2010. Defendants intend to notice their Federal Rule of Civil Procedure 12(b)  
6 motion (“12(b) motion”) for hearing on Friday, November 5, 2010.

7           A scheduling conference is currently on calendar in this matter for Tuesday, September 21,  
8 2010 at 9:30 a.m. before Judge Beck. As the defendants will be filing their 12(b) motion on  
9 Friday, September 24 to be heard on Friday, November 5, 2010, the parties respectfully request  
10 that the scheduling conference be continued to Wednesday, December 1, 2010 so that the court  
11 may consider defendants’ 12(b) motion, the parties will have time to prepare and file their joint  
12 scheduling conference reports one week in advance of the scheduling conference and after the  
13 hearing on defendants’ 12(b) motion.

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2 Thus, based on the foregoing, the parties respectfully request that the scheduling conference  
3 be continued from September 21, 2010 at 9:30 a.m. to December 1, 2010 at 9:30 a.m., or the next  
4 available date on the Court's calendar after December 1, 2010

5 Dated: September 20, 2010

6 EDMUND G. BROWN JR.  
7 Attorney General of California  
8 DAVID J. NEILL  
9 Supervising Deputy Attorney General

10 /s/ David J. Neill  
11 DAVID J. NEILL  
12 Supervising Deputy Attorney General  
13 *Attorneys for Defendants*

14 Dated: September 20, 2010

15 MOORE & MOORE

16 /s/ Howard Moore, Jr.  
17 HOWARD MOORE, JR.  
18 *Attorneys for Plaintiff Zearlean Cooper*

19 IT IS SO ORDERED.

20 Dated: September 20, 2010

21 /s/ Dennis L. Beck  
22 UNITED STATES MAGISTRATE JUDGE