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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DWAYNE MAYFIELD,

Plaintiff,

v.

M. MIX, et al.,

Defendants.

1:10cv01091 AWI DLB PC

ORDER OPENING LIMITED
DISCOVERY AND SETTING
REMAINING SCHEDULE

Unenumerated Rule 12(b) Motions:
September 15, 2013
Deadline to Amend Pleadings:
October 1, 2013
Discovery Cut-Off: October 15, 2013
Dispositive Motion Deadline:
December 30, 2013

Plaintiff Dwayne Mayfield (“Plaintiff”) is proceeding pro se and in forma pauperis in this civil rights action filed on June 16, 2010. This action is proceeding on Plaintiff’s complaint for violation of the Eighth Amendment against Defendants E. Mason and M. Mix.

On July 31, 2013, the Court granted Defendants’ Motion for Reconsideration and vacated the May 13, 2013, Discovery and Scheduling Order. The action was referred back to the Magistrate Judge.

A. LIMITED DISCOVERY

Balancing the addition of a new Defendant with the fact that the parties already had ample time to conduct discovery, the Court will open limited discovery. Discovery that could not have been reasonably anticipated in during the prior discovery will be permitted pursuant to the schedule that follows.

1 B. SCHEDULE AND DEADLINES¹

2 1. All motions to dismiss for failure to exhaust administrative remedies pursuant to the
3 unenumerated portion of Federal Rule of Civil Procedure 12(b) must be filed on or before

4 **September 15, 2013.**

5 2. The deadline for amending pleadings is **October 1, 2013.**

6 3. All discovery shall be completed on or before **October 15, 2013.** Motions to compel
7 must also be filed by this date.

8 4. Dispositive motions must be filed on or before **December 30, 2013.**

9 C. DISCOVERY ISSUES

10 1. All discovery is subject to the limitation set forth above.

11 2. Written discovery must be served at least thirty (30) days prior to the close of
12 discovery. Responses must be served thirty (30) days after service of the discovery request. Fed. R.
13 Civ. P. 33(b)(2), 34(b)(2)(A). In objecting to discovery requests, Defendant(s) should state their
14 objections in plain language that a pro se party will likely understand.

15 3. As stated above, motions to compel must be filed on or before **October 15, 2013.**
16 The meet and confer requirement set forth in Federal Rule of Civil Procedure 37(a)(1) and Local
17 Rule 251(b) is waived. Voluntary compliance is encouraged, however.

18 D. EXTENSIONS OF TIME

19 Requests for extensions of the deadlines set forth in this Discovery and Scheduling Order
20 **must be filed on or before the expiration of the date in question. These deadlines are firm and**
21 **will not be extended by the Court except upon a showing of good cause.** Fed. R. Civ. P.
22 16(b)(4).

23
24 IT IS SO ORDERED.

25 Dated: August 7, 2013

26 /s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

27
28 ¹ Given that discovery was already open for a period of time, the Court has condensed the schedule.