

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

LUPE NIETO JR.,) Case No.: 1:10-cv-01397 AWI JLT (PC)
)
Plaintiff,) ORDER GRANTING DEFENDANTS’ MOTION
) TO AMEND THE SCHEDULING ORDER
v.)
) (Doc. 35)
DRAKE HODGE et al.,)
)
Defendant.)
)
)
)
)

On October 10, 2012, the Court issued its order granting in part and denying in part, Defendant’s motion to compel discovery. (Doc. 33) The Court served Plaintiff a copy of this order at the prison where he was housed but on November 1, 2012, the mailing was returned as “undeliverable, paroled.” According to Local Rule 183(b), Plaintiff is obligated to keep the Court apprised of his correct mailing address. His failure to provide a change of address within 63 days of the date the mail was returned to the Court, will result in a recommendation that the matter be dismissed. L.R. 183(b).

In the meanwhile, Defendant has awaited production of the discovery the Court ordered Plaintiff to provide in its October 10, 2012 order, but none has been forthcoming. (Doc. 35 at 2) Given this, Defendant seeks an amendment to the scheduling order to allow him to conduct discovery, including Plaintiff’s deposition if Plaintiff reappears in this litigation. Id.

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Therefore, good cause appearing, the Court **ORDERS**:

1. Defendant's request to modify the scheduling order is **GRANTED**;

2. The scheduling order is amended as follows:

a. Non-expert discovery SHALL be completed by Defendant no later than 1/17/13. Because Plaintiff has voluntarily absented himself from this litigation, Plaintiff's deadline for completing discovery remains unchanged;

b. Dispositive motions SHALL be filed no later than 2/15/13.

IT IS SO ORDERED.

Dated: November 20, 2012

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE