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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CURTIS RENEE JACKSON,

Plaintiff,

v.

Y. A. YATES, et al.,

Defendants.

CASE NO. 1:11-cv-00080-LJO-BAM PC

ORDER DENYING PLAINTIFF’S MOTION
TO WITHDRAW DISCOVERY AND
SCHEDULING ORDER

(ECF No. 45)

Plaintiff Curtis Renee Jackson is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on the second amended complaint against Defendants Daley, Gonzales, Mendez, Nichols, Samonte and Valdez for violation of the Eighth Amendment. On November 16, Defendants Gonzales, Mendez, and Nichols filed an answer to the second amended complaint, and a discovery and scheduling order issued on November 27, 2012. (ECF Nos. 42, 44.) On December 13, 2012, Plaintiff filed a motion requesting the Court withdraw the discovery and scheduling order and reissue it once all the defendants are served. (ECF No. 45.)

Defendants Gonzales, Mendez, and Nichols have filed an answer and the discovery and scheduling order appropriately issued. (First Informational Order in Prisoner Civil Rights Case ¶ 8, ECF No. 3.) An amended discovery and scheduling order will be issued when any remaining

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1 defendant is served. Accordingly, Plaintiff's motion to withdraw the discovery and scheduling order,
2 filed December 13, 2012, is HEREBY DENIED.

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IT IS SO ORDERED.

Dated: December 14, 2012

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE