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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA
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11 ERIC WHEELER,) 1:12cv00861 LJO DLB PC
12 Plaintiff,)
13 vs.) ORDER REGARDING PLAINTIFF'S
14 ALISON, et al.,) MOTION FOR PERMISSION TO FILE
15 Defendants.) MOTIONS TO COMPEL
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17) (Document 159)
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Plaintiff Eric Wheeler ("Plaintiff") is a prisoner in the custody of the California Department of Corrections and Rehabilitation ("CDCR"). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's complaint, filed on May 25, 2012, on the following claims: (1) excessive force in violation of the Eighth Amendment against Defendants Duck, Murrieta and Lowder; (2) failure to protect in violation of the Eighth Amendment against Defendants Duck, Murrieta, Lowder, Loftis and Alison; and (3) deliberate indifference to a serious medical in violation of the Eighth Amendment against Defendants Ross, Mui, Neubarth and Ancheta.

1 On July 10 and 18, 2014, the Court ordered the parties to meet and confer on the
2 numerous discovery disputes that had arisen. The Court also vacated the dates in the January 17,
3 2014, Discovery and Scheduling Order and indicated that it would reset dates when appropriate.

4 On September 19, 2014, after the time for meeting and conferring had expired and the
5 parties had not filed any motions to compel, the Court reset the discovery and dispositive motion
6 deadlines. The discovery deadline is currently November 19, 2014.

7 On September 29, 2014, the Court received the instant motion from Plaintiff requesting
8 permission to file a motion to compel. Plaintiff indicates that he has met with Defendants'
9 counsel and they have made considerable progress on the discovery disputes, but some disputes
10 remain. Plaintiff also suggests that the parties will continue to discuss the disputes.

11 Discovery in this action has been open since January 17, 2014, and the Court will not, at
12 this juncture, continue the deadline. The Court is confident that the parties can continue their
13 meet and confer efforts and file any necessary motions prior to the discovery deadline.

14 As Plaintiff does not need permission to file a motion to compel, his motion is DENIED
15 AS MOOT.

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18 IT IS SO ORDERED.

19 Dated: October 15, 2014

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