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

C. DWAYNE GILMORE,)	Case No.: 1:13-cv-01657-LJO-SAB (PC)
)	
Plaintiff,)	
)	ORDER REGARDING DEFENDANT’S MOTION
v.)	TO CONTINUE TRIAL DATE
)	
C. LOCKARD, et al.,)	[ECF No. 209]
)	
Defendants.)	Plaintiff’s Opposition Filing Deadline:
)	December 30, 2016
)	
)	

Plaintiff C. Dwayne Gilmore is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendants Lockard, Lopez, and Hightower for excessive force in violation of the Eighth Amendment. All parties have consented to the jurisdiction of a United States Magistrate Judge. (ECF Nos. 8, 199.) This matter is currently set for a two to three day jury trial beginning on February 21, 2017. A telephonic pretrial confirmation hearing is currently set for January 9, 2017, at 3:30 p.m.

Currently before the Court is Defendants’ motion to continue the trial date, filed December 15, 2016. (ECF No. 209.) Defendants seek a one-week extension of the trial date due to the unavailability of their expert witness, Dr. K. Kumar. Due to the time-sensitive nature of the motion, the Court finds it appropriate to issue an order for Plaintiff to oppose this motion on an expedited basis, and to allow this matter to be heard orally at the telephonic pretrial confirmation hearing.

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Accordingly, it is HEREBY ORDERED as follows:

1. Plaintiff may file a response to the Defendants' motion to continue the trial date (ECF No. 209), on or before **December 30, 2016**; and,
2. Defendants' motion to continue the trial date will be heard at the telephonic pretrial confirmation hearing on January 9, 2017.

IT IS SO ORDERED.

Dated: **December 16, 2016**



UNITED STATES MAGISTRATE JUDGE