

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**

C. DWAYNE GILMORE,	)	Case No.: 1:12-cv-00925-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER DIRECTING DEFENDANTS TO
v.	)	RESPOND TO PLAINTIFF’S MOTION FOR
	)	COURT TO ENFORCE ORDER AND MODIFY
C. LOCKARD, et al.,	)	TRIAL SCHEDULING ORDER DEADLINES
	)	
Defendants.	)	[ECF No. 222]
	)	
	)	Plaintiff’s Opposition Filing Deadline:
	)	<b>January 27, 2017 at noon</b>
	)	
	)	

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.)

Currently before the Court is Plaintiff’s motion to enforce order and modify trial scheduling order, filed on January 20, 2017. (ECF No. 222.) In that motion, Plaintiff argues that Defendants have not served him with their exhibits by the January 3, 2017 deadline, as required by the Court’s trial scheduling order. Plaintiff argues that he has been prejudiced by this failure as the January 17, 2017 deadline for motions in limine has passed, but he was unable to review Defendants’ proposed trial exhibits and prepare challenges to their admissibility in any motions in limine. Plaintiff seeks to modify the trial scheduling order to ensure he has an opportunity to file and serve a motion in limine, and also seeks to modify the trial date and telephonic motions in limine hearing.

///

1 Due to the issues raised by Plaintiff, the Court finds it necessary to order an expedited response  
2 by Defendants to Plaintiff's allegations that they have not served him with their trial exhibits as  
3 required by the trial scheduling order dated October 4, 2016. (ECF No. 205, pp. 9-10 ("No later than  
4 **January 3, 2017**, the parties shall exchange their proposed exhibits to allow for the parties to file  
5 objections to be addressed at the motion in limine hearing on **February 13, 2017.**") (emphasis in  
6 original).)

7 Accordingly, it is HEREBY ORDERED that Defendants shall file a response to Plaintiff's motion  
8 to enforce order and modify trial scheduling order on or before **Friday, January 27, 2017 at noon.**

9  
10 IT IS SO ORDERED.

11 Dated: January 25, 2017



UNITED STATES MAGISTRATE JUDGE