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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JONATHAN HILL,

12 Plaintiff,

13 vs.

14 C/O J. CLARK and

15 C/O A. RIVAS,

16 Defendants.
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1:13-cv-00386-EPG-PC

ORDER DENYING MOTION FOR
ATTENDANCE OF INCARCERATED
WITNESS, WITHOUT PREJUDICE
(ECF No. 55.)

ORDER DENYING MOTION FOR
EXTENSION OF TIME
(ECF No. 65.)

19 Plaintiff, a state prisoner, filed this civil rights action pursuant to 42 U.S.C. 1983 while
20 proceeding *pro se*. (ECF No. 1.) Plaintiff is now proceeding with counsel.¹ This case is
21 scheduled for trial before Magistrate Judge Erica P. Grosjean on April 12, 2016.²

22 **I. MOTION FOR ATTENDANCE OF INCARCERATED WITNESS**

23 On September 10, 2015, while proceeding *pro se*, Plaintiff filed a motion for attendance
24 of an incarcerated witness at trial. (ECF No. 55.) At the conference dated November 19-20,
25 2015, the Court and Plaintiff's new counsel discussed issues surrounding this witness and
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27 ¹ On November 23, 2015, the Court appointed Douglas L. Gordon and Aida S. Macedo of Miles,
Sears & Eanni to represent Plaintiff. (ECF No. 64.)

28 ² The parties have consented to Magistrate Judge jurisdiction under 28 U.S.C. 636(c).

1 Plaintiff agreed to speak with the witness and renew the motion at a later time if needed.
2 Therefore, the Court shall deny Plaintiff's motion, without prejudice to renewal of the motion
3 through counsel.

4 **II. MOTION FOR EXTENSION OF TIME**

5 On November 30, 2015, Plaintiff filed a motion for extension of time to meet deadlines
6 established by the Court's pretrial order of November 3, 2015. (ECF No. 65.) Pursuant to the
7 pretrial order, the deadline for the parties to file motions in limine was November 23, 2015, and
8 the parties had ten days in which to file objections to the pretrial order. Plaintiff requests
9 extension of these two deadlines.

10 Plaintiff's motion for extension of time is dated November 17, 2015, indicating that he
11 prepared the motion before the telephonic hearing in this case was held on November 19-20,
12 2015. During the telephonic hearing, the deadline to file motions in limine was changed from
13 November 23, 2015 to January 17, 2016. (ECF No. 63.) Therefore, Plaintiff's motion for
14 extension of that deadline is moot. Moreover, Plaintiff may not file motions by himself now
15 that he is represented by counsel. Therefore, Plaintiff's motion for extension of time shall be
16 DENIED.

17 **III. CONCLUSION**

18 Based on the foregoing, IT IS HEREBY ORDERED that:

- 19 1. Plaintiff's motion for attendance of an incarcerated witness at trial, filed on
20 September 10, 2015, is DENIED without prejudice, and
21 2. Plaintiff's motion for extension of time, filed on November 30, 2015, is
22 DENIED.

23 IT IS SO ORDERED.
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25 Dated: December 4, 2015

26 /s/ Eric P. Grogan
27 UNITED STATES MAGISTRATE JUDGE
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