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3 UNITED STATES DISTRICT COURT  
4 EASTERN DISTRICT OF CALIFORNIA  
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6 G. J. GUTIERREZ,

7 Plaintiff,

8 vs.

9 A. GUTIERREZ,

10 Defendant.  
11

1:13-cv-00421-LJO-GSA-PC

ORDER DENYING MOTION TO POSTPONE  
DEPOSITION AS MOOT  
(Doc. 55.)

12 G. J. Gutierrez ("Plaintiff") is a state prisoner proceeding pro se in this civil rights  
13 action pursuant to 42 U.S.C. § 1983. This case now proceeds on Plaintiff's original Complaint,  
14 filed on March 22, 2013, against defendant A. Gutierrez ("Defendant"), for use of excessive  
15 force in violation of the Eighth Amendment. (Doc. 1.) This case is presently in the discovery  
16 phase, pursuant to the court's scheduling order issued on November 21, 2014. (Doc. 41.)

17 On July 10, 2015, Plaintiff filed a motion to postpone his deposition scheduled for July  
18 14, 2015, until after the court has ruled on his motion for appointment of counsel. (Doc. 55.)  
19 Plaintiff's motion to postpone his deposition is now moot, given that Plaintiff's motion for  
20 appointment of counsel was denied on July 14, 2015, and the date of the deposition has passed.

21 Therefore, for the reasons set forth above, IT IS HEREBY ORDERED that Plaintiff's  
22 motion to postpone his deposition, filed on July 10, 2015, is DENIED as moot.

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24 IT IS SO ORDERED.

25 Dated: July 19, 2015

/s/ Gary S. Austin  
26 UNITED STATES MAGISTRATE JUDGE  
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