

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL G. VALENCIA

Plaintiff,

v.

WINFRED KOKOR, M.D., et al.,

Defendants.

| Case No. 1:13-cv-01391-LJO-MJS (PC)

**ORDER DENYING WITHOUT PREJUDICE
PLAINTIFF'S MOTION FOR THE
ATTENDANCE OF INCARCERATED
WITNESSES**

(ECF NO. 120)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The action proceeds on Plaintiff's fourth amendment complaint against Defendant Kokor and Sunduram for violations of Plaintiff's Eighth Amendment right to adequate medical care.

On May 15, 2017, the Court issued a trial scheduling order, setting trial for February 5, 2019. (ECF No. 119.) Therein, the Court also set a deadline of October 18, 2018 for motions for the attendance of incarcerated witnesses. On September 18, 2017, Plaintiff filed such a motion.

1 Plaintiff's motion is premature. The matter is in its initial stages. Motions for
2 summary judgment have not been filed or ruled upon. Until such motions, if any, have
3 been resolved, the Court cannot know the final scope of issues to be presented at trial
4 and whether the witnesses in question will be able to present testimony relevant to those
5 issues.

6 Accordingly, Plaintiff's motion is HEREBY DENIED without prejudice to his refiling
7 same after resolution of any motions for summary judgment or, if no such motions are
8 filed, after the deadline for such filings has passed.

9
10 IT IS SO ORDERED.

11 Dated: October 16, 2017

12 /s/ *Michael J. Seng*
13 UNITED STATES MAGISTRATE JUDGE

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28