

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**

MICHAEL STEVEN KING,

 Plaintiff,

 v.

S. DEATHRIAGE, et al.,

 Defendants.

) Case No.: 1:14-cv-00111-SAB (PC)
)
) ORDER OVERRULING OBJECTION TO ORDER
) GRANTING DEFENDANT’S MOTION TO
) MODIFY SCHEDULING ORDER AND
) CONTINUE TRIAL
)
) (ECF No. 94)
)

Currently before the Court is Plaintiff’s objection to the Court’s order granting Defendants’ motion to continue the trial, filed on May 12, 2017. (ECF No. 94.) Plaintiff objects that defense counsel should have informed the Court at an earlier time of Defendant Deathriage’s medical situation. Plaintiff asserts that defense counsel has intentionally misled the Court, and he is prejudiced.

Plaintiff’s arguments were addressed at the April 21, 2017 hearing on Defendants’ motion. The Court found no bad faith by Defendants or their counsel, and instead found good cause to continue the trial date. More importantly, the defendant has not argued any undue prejudice to him nor has the Court found any undue prejudice to Plaintiff under the circumstances. The Court advises the Plaintiff to prepare for his trial as a number of deadlines are coming due soon for trial and a failure to file those documents in a timely fashion could prejudice the plaintiff in presenting his claim to the jury. Accordingly, Plaintiff’s objections are HEREBY OVERRULED.

IT IS SO ORDERED.

Dated: May 15, 2017


UNITED STATES MAGISTRATE JUDGE