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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RICHARD S. KINDRED,  
Plaintiff,  
vs.  
MARISA BIGOT, *et al.*,  
Defendants.

Case No. 1:14-cv-01652-AWI-JDP  
ORDER VACATING FINDINGS AND  
RECOMMENDATION TO DENY MOTION  
FOR PERMISSION TO FILE ADDENDUM  
TO COMPLAINT  
(ECF No. 84)  
ORDER DENYING MOTION REQUESTING  
A TELEPHONIC CONFERENCE WITH THE  
MAGISTRATE JUDGE AND DEFENDANTS  
(ECF No. 90)  
ORDER EXTENDING DISCOVERY  
DEADLINE

Richard S. Kindred (“Plaintiff”) is a state prisoner proceeding pro se and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff seeks to supplement his amended complaint. Defendants Bigot and Bell request an extension of the discovery schedule. Plaintiff requests a telephonic conference to discuss discovery issues. This order addresses these three requests.

1 On February 9, 2018, Plaintiff filed a motion (ECF No. 73) seeking to file an addendum  
2 to his amended complaint.<sup>1</sup> On April 2, 2018, the Court recommended that Plaintiff's motion  
3 be denied. (ECF No. 84.) The Court now vacates its April 2, 2018 findings and  
4 recommendation. A party may be permitted supplement to a complaint if the supplement sets  
5 out a "transaction, occurrence, or event that happened after the date of the pleading to be  
6 supplemented." Fed. R. Civ. P. 15(d). The Court has reviewed the proposed supplement and  
7 finds that it meets the requirements of Rule 15(d). Therefore, the Court will permit the  
8 supplement sought by Plaintiff.

9 On April 16, 2018, defense counsel filed a status report stating that the parties are in the  
10 process of working through certain discovery issues. (ECF No. 87.) Defendants asked that the  
11 Court "extend the discovery deadline through June 30, 2018, to ensure that all remaining and  
12 newly propounded discovery can be completed." (*Id.* at 3.) On May 7, 2018, Plaintiff filed a  
13 motion requesting a telephonic conference with the Court and Defendants to discuss discovery  
14 issues. (ECF No. 90.) Considering the Defendants' and Plaintiff's motions, the Court will  
15 allow the parties additional time to resolve discovery issues. Given this additional allowance of  
16 time, the Court does not believe that a telephonic conference is necessary. The Court expects  
17 that the parties will work in good faith toward resolution of the discovery disputes. However, if  
18 the discovery disputes remain unresolved by June 30, 2018, the parties may request a  
19 telephonic conference.

20 Accordingly, THE COURT HEREBY ORDERS that:

- 21 1. The findings and recommendations issued by the Court on April 2, 2018 (ECF No.  
22 84), are VACATED;
- 23 2. Plaintiff's motion requesting permission to file an addendum (ECF No. 73) is  
24 GRANTED;
- 25 3. Plaintiff's motion requesting a telephonic conference with the Court and Defendants  
26 (ECF No. 90) is DENIED; and

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28 <sup>1</sup> The Court will construe Plaintiff's motion for permission to file an addendum to the complaint  
(ECF No. 73) as a motion to supplement the complaint.

