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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DELTON L. TAYLOR,
Plaintiff,
v.
HARISHKUMAR PATEL, et al.,
Defendants.

CASE NO. 1:14-cv-01754-DAD-MJS (PC)
ORDER GRANTING MOTION TO MODIFY TRIAL SCHEDULING ORDER
(ECF No. 57)

Plaintiff is a prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On September 20, 2017, the Court entered a trial scheduling order setting trial for April 3, 2018 at 1:00 PM. (ECF No. 51.) On October 13, 2017, Defendants filed a motion to modify the trial scheduling order because of witness unavailability. (ECF No. 57.) Defendants prepared a stipulation and requested Plaintiff's consent to the modification, but Plaintiff did not respond. (Id.) To date, Plaintiff has not filed a response to the motion to modify scheduling order and the time to do so has passed. The Court will take Plaintiff's non-response as consent to modify the scheduling order.

Under the Local Rules of Practice for the United States District Court for the Eastern District of California, opposition, if any, to the granting of a motion "shall be in writing and shall be filed and served not less than fourteen (14) days preceding the noticed (or continued) hearing date." Local Rule 230(c). Plaintiff provided no opposition

1 and the time for doing so has expired. The Court reads the failure to oppose as non
2 opposition to the motion.

3 Accordingly, IT IS HEREBY ORDERED that the motion to modify the trial
4 scheduling order (ECF No. 57) is GRANTED and the Jury Trial date shall now be
5 rescheduled from April 3, 2018 at 1:00 PM to April 10, 2018 at 8:30 AM. All other dates
6 in the trial scheduling order shall remain unchanged.

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8 IT IS SO ORDERED.

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Dated: November 13, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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