UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

THURMAN GAINES, Plaintiff, v. CALIFORNIA DEPT. OF CORRECTIONS et al., Defendants.	Case No.: 1:15-cv-00587-NONE-SAB (PC) ORDER DIRECTING PLAINTIFF TO FILE AN OPPOSITION OR NON-OPPOSITION TO DEFENDANTS' MOTION TO CONTINUE THE EVIDENTIARY HEARING ON OR BEFORE **NOVEMBER 6, 2020, AT 5:00 P.M.** (ECF No. 111)

Plaintiff Thurman Gaines is proceeding *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

This case is currently set for an evidentiary hearing on November 13, 2020, at 10:00 a.m. before the undersigned.

On November 4, 2020, Defendant filed a motion to continue the evidentiary hearing for at least thirty days in order to ensure the attendance of the six current and former employees of CDCR requested by Plaintiff. Defendants submit that on the evening of October 28, 2020, Plaintiff sent subpoenas for those six witnesses to Defendant counsel and requested to know whether Defendant would accept service of the subpoenas. (ECF No. 111 at 2.) However, Defendant submits that not all of the witnesses are represented by the Office of the Attorney General and service could not be immediately accepted. (Id.) Therefore, Defendant requests the evidentiary hearing be continued for at

least thirty days to allow for waiver of service or personal service on Plaintiff's witnesses. Defendant also points out that a continuance may be necessary if Plaintiff's prison unit is again placed on quarantine.

Because the evidentiary hearing date is imminent, it is HEREBY ORDERED that Plaintiff shall file an opposition or statement of non-opposition to Defendant's motion for a continuance of the evidentiary hearing on or before **November 6, 2020, at 5:00 p.m.**

IT IS SO ORDERED.

Dated: **November 4, 2020**

UNITED STATES MAGISTRATE JUDGE