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5 **UNITED STATES DISTRICT COURT**

6 EASTERN DISTRICT OF CALIFORNIA
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9 SCOTT K. RICKS,) 1:15-cv-01150-AWI-BAM (PC
10 Plaintiff,)
11 v.) ORDER DENYING REQUEST FOR
12 G. LEVINE, et al.,) DISCOVERY SCHEDULING
13 Defendants.) CONFERENCE AND FOR EXTENSION OF
14) TIME
) (ECF No. 40)

15 Plaintiff Scott K. Ricks (“Plaintiff”) is a state prisoner proceeding pro se and in forma
16 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on
17 July 24, 2015. On August 28, 2016, this matter was reassigned to Chief Judge Ralph R. Beistline
18 for all further proceedings. (ECF No. 10.)

19 On November 30, 2016, District Judge Anthony Ishii ordered this action to be related to
20 Ricks v. Austria, et al., 1:15-cv-01147-AWI-BAM, and Ricks v. Onyeye, et al., 1:15-cv-1148-
21 AWI-BAM. (ECF No. 36.) The matter was reassigned to District Judge Anthony Ishii, and
22 referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

23 Currently before the Court is Defendants’ request for a discovery scheduling conference
24 and for an extension of time, filed December 13, 2016. (ECF No. 40). Defendants note that
25 before this case was reassigned by District Judge Ishii, Chief Judge Beistline had issued a
26 scheduling and planning order, on November 16, 2016. (ECF No. 36.) Defendants argue that
27 since this matter has been related to the two cases noted above, discovery and other deadlines
28 should be coordinated, and they seek a telephonic discovery scheduling conference to discuss the

1 matter. Defendants specifically state that they (1) request for the November 16, 2016 order to be
2 rescinded; (2) they intend to object to the provisions of the November 16, 2016 scheduling order
3 requiring initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) if the matter is
4 not rescinded; and (3) in the alternative, they request a sixty-day extension to comply with the
5 Rule 26(a)(1) disclosure deadline.

6 Due to the reassignment of this action to this Court, the undersigned shall issue an
7 amended discovery and scheduling order, in keeping with this Court's usual practices. The dates
8 and deadlines set forth in that amended order will be comparable to the deadlines in the original
9 order, so as not to disrupt the orderly pretrial development of this action. A telephonic
10 conference is not necessary at this time, and thus the request for one is denied. Furthermore, in
11 accordance with Rule 26(a)(1)(B)(iv), this proceeding is exempt from the initial disclosures
12 usually required under Rule 26(a)(1)(A), and the Court finds no need to vary from that general
13 exemption in this case. As a result, Defendants' request for an extension of time to comply with
14 the Rule 26(a)(1)(A) disclosure deadline is denied, as moot.

15 Accordingly, it is HEREBY ORDERED that Defendants' request for a discovery
16 scheduling conference and extension of time, filed December 13, 2016 (ECF No. 40) is
17 DENIED. A separate amended discovery and scheduling order will issue concurrently with this
18 order.

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20 IT IS SO ORDERED.

21 Dated: December 15, 2016

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
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