

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
10

11 REGINALD RAY YORK,  
12 Plaintiff,  
13 v.  
14 G. GARCIA, et al.,  
15 Defendants.  
16

Case No. 1:15-cv-01828-DAD-BAM (PC)  
  
ORDER DIRECTING DEFENDANTS TO  
FILE A RESPONSE TO PLAINTIFF'S  
MOTION TO MODIFY SECOND  
SCHEDULING ORDER  
  
(ECF No. 93)

17 Plaintiff Reginald Ray York is a state prisoner proceeding *pro se* in this civil rights action  
18 pursuant to 42 U.S.C. § 1983.

19 Currently before the Court is Plaintiff's "memorandum of points and authorities in support  
20 of the Plaintiff's motion to modify the attendance of unincarcerated witnesses and second  
21 scheduling order," filed on December 23, 2019. (ECF No. 93.) The Court interprets Plaintiff's  
22 filing as a motion to modify the Court's November 12, 2019 second scheduling order, (ECF No.  
23 88).

24 Specifically, Plaintiff requests a 60-day extension of the deadlines for filing a notice of the  
25 names and locations for the attendance of unincarcerated witnesses who refuse to testify  
26 voluntarily, a motion for the attendance of incarcerated witnesses, and his pretrial statement, and  
27 a 60-day continuance of the telephonic trial confirmation hearing. Plaintiff asserts that he needs  
28 the additional time because his motion for reconsideration of the undersigned's order denying

1 Plaintiff's motion for a court order to compel participation in a mandatory settlement conference  
2 and appointment of counsel is currently pending before the District Judge and he is also going  
3 through multiple surgeries for his various medical conditions.

4 In this case, the Court finds that it is appropriate to require Defendants Garcia and  
5 Neighbors to file a response to Plaintiff's motion to modify the Court's November 12, 2019  
6 second scheduling order. Therefore, it is HEREBY ORDERED that Defendants Garcia and  
7 Neighbors shall file a response to Plaintiff's motion to modify the Court's November 12, 2019  
8 second scheduling order, (ECF No. 93), on or before **January 17, 2020**.

9 Plaintiff's reply to Defendants' response, if any, must be filed on or before **January 31,**  
10 **2020.**

11  
12 IT IS SO ORDERED.

13 Dated: **January 2, 2020**

14 /s/ *Barbara A. McAuliffe*  
15 UNITED STATES MAGISTRATE JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28