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8 **UNITED STATES DISTRICT COURT**

9 **EASTERN DISTRICT OF CALIFORNIA**

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11 GREGORY ELL SHEHEE,

12 Plaintiff,

13 v.

14 PEREZ,

15 Defendant.

Case No. 1:16-cv-01346-AWI-BAM (PC)

**ORDER OVERRULING PLAINTIFF'S  
OBJECTION TO DEPOSITION WITHOUT  
SCHEDULING ORDER**

(ECF No. 67)

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17 Plaintiff Gregory Ell Shehee ("Plaintiff") is a former civil detainee proceeding *pro se* in  
18 this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's first  
19 amended complaint against Defendant Perez for excessive force in violation of the Fourteenth  
20 Amendment.

21 On October 16, 2018, the Court issued a discovery and scheduling order in this action,  
22 setting the deadline for completion of all discovery for June 16, 2019. (ECF No. 56.) That order  
23 was served on Plaintiff on October 16, 2018, and re-served on Plaintiff on November 8, 2018  
24 following Plaintiff's change of address.

25 Currently before the Court is Plaintiff's "Objection to an Untimely Deposition without  
26 Scheduling Order," filed June 5, 2019. (ECF No. 67.) Plaintiff appears to object to Defendant  
27 Perez's taking of Plaintiff's deposition without the Court having issued a scheduling order for  
28 discovery.

1 As noted above, the Court issued a discovery and scheduling order in this action nearly  
2 eight months ago, and the order was served on Plaintiff twice. As it appears Plaintiff's primary  
3 objection to the taking of his deposition is the lack of a discovery order, and a discovery order has  
4 been issued in this matter, Plaintiff's objection, (ECF No. 67), is OVERRULED.

5  
6 IT IS SO ORDERED.

7 Dated: June 5, 2019

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE