UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CARLOS BURNETT,	1:16-cv-01672-LJO-GSA-PC
Plaintiff,	ORDER VACATING ORDER ISSUED ON MARCH 30, 2018 (ECF No. 31.)
vs.	
K. SEDILLO, et al.,	ORDER REINSTATING PLAINTIFF'S MOTION TO COMPEL (ECF No. 30.)
Defendants.	
	TWENTY-ONE DAY DEADLINE FOR DEFENDANTS TO OPPOSE MOTION TO COMPEL

Carlos Burnett ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds with Plaintiff's original Complaint, filed on November 3, 2016, against defendants Correctional Officer (C/O) G. Meier, C/O R. Reynaga, Sergeant G. Garcia, C/O C. Huckleberry, and C/O Ryan Dyer (collectively, "Defendants"), for use of excessive force in violation of the Eighth Amendment. (ECF No. 1.) This case is currently in the discovery phase.

On March 30, 2018, the court issued an order denying Plaintiff's motion to compel, filed on March 27, 2018, as premature. (ECF No. 31.) In the order, the court erroneously stated that discovery has not been opened in this case. In fact, the court's Discovery and Scheduling Order of January 23, 2018, opened discovery with a deadline of June 23, 2018, for

the parties to complete discovery, including motions to compel. (ECF No. 22.) Based on these facts, the court shall vacate its order denying Plaintiff's motion to compel as premature, and reinstate Plaintiff's motion to compel.

Accordingly, IT IS HEREBY ORDERED that:

1. The court's order issued on March 30, 2018, which denied Plaintiff's motion to compel as premature, is VACATED;

2. Plaintiff's motion to compel, filed on March 27, 2018, is REINSTATED; and

3. Pursuant to Local Rule 230(*l*), Defendants have twenty-one days after the date of service of this order in which to file an opposition to Plaintiff's motion to compel.

IT IS SO ORDERED.

Dated: **April 9, 2018**   **/s/ Gary S. Austin**
                                                       UNITED STATES MAGISTRATE JUDGE