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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANCISCO SIERRA,
Plaintiff,
v.
M.E. SPEARMAN, et al.,
Defendants.

Case No. 1:17-cv-01691-DAD-EPG
ORDER GRANTING MOTION TO CONTINUE
INITIAL SCHEDULING CONFERENCE
(ECF NO. 42)

Francisco Sierra (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C § 1983. On January 7, 2020, the Court set an initial scheduling conference for April 15, 2020 and ordered the parties to exchange initial disclosures and to file scheduling conference statements. (ECF No. 35.) The order required the parties to exchange initial disclosures by March 16, 2020 and file their scheduling conferences statements by April 1, 2020.

On April 8, 2020, in light of the global COVID-19 pandemic, Defendants moved to postpone the scheduling conference or alternatively issue a scheduling and discovery order without the conference. (ECF No. 42.) Defendants inform the Court that the California Department of Corrections and Rehabilitation (“CDCR”) is limiting its inmates’ movement in response to COVID-19. (ECF No. 42-1.) Conducting a scheduling conference requires additional close interaction among inmates and staff, thus reducing the effectiveness of CDCR’s pandemic

1 control measures. (*Id.*)

2 The Court finds good cause to vacate the scheduling conference for the reasons set forth in
3 Defendants' motion. The Court will issue a scheduling order without the benefit of a scheduling
4 conference in these circumstances.

5 However, the Court has not yet received Plaintiff's scheduling conference statement,
6 which was due on April 1, 2020. (ECF No. 35). The Court notes that Defendants timely filed
7 their statement. (ECF No. 40).

8 The Court thus orders Plaintiff to file his scheduling conference statement no later than
9 thirty days from today. After the Court receives Plaintiff's scheduling conference statement, the
10 Court will issue a scheduling order, which will open discovery and set additional dates for the
11 case.¹

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Defendants' Motion to Continue Initial Scheduling Conference (ECF No. 42) is
14 GRANTED.
- 15 2. The initial scheduling conference set for April 15, 2020 is hereby VACATED.
- 16 3. Plaintiff shall file his scheduling conference stated within thirty days of the date of this
17 Order.

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19 IT IS SO ORDERED.

20 Dated: April 9, 2020

21 /s/ Eric P. Gray
22 UNITED STATES MAGISTRATE JUDGE

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28 ¹ The Court may also make additional discovery orders based on the information provided in the scheduling conference statements.