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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARRY WILLIAM CORTINAS,
Plaintiff,
v.
VASQUEZ, et al.,
Defendants.

Case No. 1:19-cv-00367-JLT-SKO (PC)

**ORDER LIFTING STAY AND
RESETTING REMAINING DISCOVERY
DEADLINES**

Plaintiff Larry William Cortinas is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s excessive force claims against Defendants Vasquez, Fisher and Washington, and deliberate indifference to serious medical needs claim against Defendant Ramos.

I. BACKGROUND

On October 2, 2023, following the issuance of District Judge Jennifer L. Thurston’s Order Adopting Findings and Recommendations Following Evidentiary Hearing, the Court issued its Order Setting Remaining Discovery Deadlines. (Doc. 164.) The deadline for the completion of discovery was set for March 1, 2024, and the deadline for the filing of dispositive motions was set for May 1, 2024. (*Id.*)

On February 21, 2024, Defendants filed a Motion to Modify Discovery and Scheduling Order. (Doc. 165.) The Court granted the motion and extended the deadline for the completion of

1 discovery to April 30, 2024, and the deadline for the filing of dispositive motions to July 1, 2024.
2 (Doc. 166.)

3 On February 29, 2024, Plaintiff filed a motion seeking a 45-day stay of these proceedings.
4 (Doc. 167.) Defendants did not oppose Plaintiff's motion. On March 25, 2024, the Court issued
5 its Order Granting Plaintiff's Motion for 45-Day Stay. (Doc. 168.) The order also vacated the
6 deadlines for the completion of discovery and the filing of dispositive motions, noting those
7 deadlines would be reset at a later date. (*Id.* at 3.)

8 II. DISCUSSION

9 More than 45 days have now passed following the Court's order granting a 45-day stay of
10 these proceedings. Therefore, the Court will lift the stay and reset the remaining discovery
11 deadlines relevant to this action.

12 The Court notes Plaintiff has not filed a notice of change of address with the Court
13 following his release on parole in February or March 2024.¹ Local Rule 182 (f) states as follows:
14 "Each appearing attorney and pro se party is under a continuing duty to notify the Clerk and all
15 other parties of any change of address or telephone number of the attorney or the pro se party.
16 Absent such notice, service of documents at the prior address of the attorney or pro se party shall
17 be fully effective. Separate notice shall be filed and served on all parties in each action in which
18 an appearance has been made." And Local Rule 183(b) requires "[a] party appearing in propria
19 persona shall keep the Court and opposing parties advised as to his or her current address. If mail
20 directed to a plaintiff in propria persona by the Clerk is returned by the U.S. Postal Service, and if
21 such plaintiff fails to notify the Court and opposing parties within sixty-three (63) days thereafter
22 of a current address, the Court may dismiss the action without prejudice for failure to prosecute."
23 Plaintiff was specifically advised of his obligation to keep the Court apprised of his current
24 address in the Court's First Informational Order in Prisoner/Civil Detainee Civil Rights Case
25 issued March 20, 2019. (Doc. 5 at 5.)

26 ¹ It is unclear when Plaintiff paroled. In his motion seeking a 45-day stay, dated and signed February 23,
27 2024, Plaintiff referenced his impending parole, but remained housed at the California Medical Facility in
28 Vacaville, California. (*See* Doc. 167.) However, as noted in this Court's order granting a 45-day stay, by
March 22, 2024, Plaintiff was no longer incarcerated by the California Department of Corrections and
Rehabilitation. (*See* Doc. 168 at 2, n.1.)

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III. CONCLUSION AND ORDER

For the foregoing reasons, **IT IS HEREBY ORDERED** that:

- 1. The 45-day stay beginning March 25, 2024, is **LIFTED**; and
- 2. The following remaining discovery deadlines are **SET**:
 - a. The deadline for the completion of all discovery is **July 15, 2024**.
 - b. The deadline for the filing of dispositive motions is **September 13, 2024**.

IT IS SO ORDERED.

Dated: May 13, 2024

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE