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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEWAYNE MCGEE RICHARDSON,

No. 2:04-cv-00393-MCE-GGH-P

Plaintiff,

v.

ORDER

R.L. RUNNELS, et al.,

Defendants.

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This action is set for pretrial conference March 25, 2010, and jury trial April 26, 2010. On February 16, 2010, defendants filed a request for leave to file a supplemental summary judgment motion and a request to modify the scheduling order. Defendants also request that the court reset the trial date due to defense counsel's work schedule and upcoming paternity leave.

The Ninth Circuit Court of Appeals specifically remanded this action for trial. For that reason, the request for leave to file a supplemental summary judgment motion is denied. The request to modify the scheduling order is also denied.

1 Any additional delay in bringing a 2004 case to trial will not  
2 serve the interests of justice. Evidence will become stale and  
3 witness memories will continue to fade. In addition, all parties  
4 recently argued the merits of this case before the Ninth Circuit  
5 so those arguments and the facts of the case should be memorable  
6 to everyone involved.

7 Accordingly, IT IS HEREBY ORDERED that defendants' February  
8 16, 2010, motion for leave to file a supplemental summary  
9 judgment motion and to modify the scheduling order (No. 61) is  
10 DENIED. The dates and times set for the Final Pretrial  
11 Conference (March 25, 2010 at 2:00 PM) and Jury Trial (April 26,  
12 2010 at 9:00 AM) are confirmed.

13 Dated: February 25, 2010



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MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE