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

THOMAS CLINTON,
Plaintiff,

No. CIV S-05-1600-LKK-CMK-P

vs.

ORDER

DESANTIS, et al.,¹
Defendants.

_____ /

Plaintiff, a former state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.

On January 20, 2008, the District Judge assigned to this case issued an order (Doc. 273) affirming the undersigned’s prior orders (Docs. 221, 229, and 250) and directing plaintiff to appear at his deposition on either January 21-22, 2009, or January 29, 30, 2009. In the court’s December 23, 2008, order (Doc. 250), plaintiff was cautioned that failure to appear at his properly noticed deposition would result in a recommendation that defendants’ motion for

¹ This action proceeds against defendants Desantis, Riley, Cooper, and Marshall only. As the first remaining defendant listed on the court’s docket, Desantis is the lead defendant for purposes of the caption.

1 dismissal sanctions (Doc. 240) be granted. The dates for plaintiff's deposition have passed and
2 defendants will be directed to inform the court in writing whether plaintiff appeared at his
3 deposition and, if so, whether defendants intend to withdraw their motion for dismissal sanctions.

4 The court will also by this order set a deadline for filing of dispositive motions. A
5 final schedule for this litigation will be set, if necessary, by separate order issued after the
6 dispositive motions filing deadline set herein.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Defendants shall file a status report regarding plaintiff's deposition and
9 their pending motion for dismissal sanctions within 10 days of the date of this order; and
10 2. The parties may file dispositive motions by May 11, 2009.

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12 DATED: February 6, 2009

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14 **CRAIG M. KELLISON**
15 UNITED STATES MAGISTRATE JUDGE
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