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

DEON SHIRLEY,

No. CIV S-05-2468-FCD-CMK-P

Plaintiff,

vs.

ORDER

J. TUGGLE, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is Defendants’ motion for a modification of the scheduling order (Doc. 58).

Defendants filed a motion to dismiss, concurrent with the motion for modifying the scheduling order, based on Plaintiff’s failure to keep Defendants and the court apprised of a current address. Due to Plaintiff’s failure to advise Defendants of his current address, Defendants have been unable to schedule his deposition. Pursuant to the current scheduling order, discovery closes November 5, 2010. Defendants argue that until such time as Plaintiff responds to their motion or a court order, and informs them of his current address, they will be unable to complete their discovery.

1 Good cause appearing therefor, Defendants' motion (Doc. 52) is granted. The
2 dates currently set in the scheduling order are vacated. If necessary, the court will reset the
3 deadlines after the motion to dismiss is resolved.

4 IT IS SO ORDERED.

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6 DATED: October 4, 2010

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8 **CRAIG M. KELLISON**
9 UNITED STATES MAGISTRATE JUDGE
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