

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

MICHAEL JOHNSON,

Plaintiff, No. CIV S-06-2035 FCD KJM P

VS.

D. K. SISTO, et al.,

Defendants. ORDER

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. On December 23, 2008, plaintiff filed a motion asking that defendant Rowlett be compelled to provide responses to certain discovery requests. On July 23, 2008, plaintiff was informed that all motions to compel discovery had to be filed by November 14, 2008. Recognizing the discovery cutoff has past, on December 29, 2008, plaintiff requested an extension of time to conduct discovery. Defendants do not oppose plaintiff's request, and present cogent reasons for granting it. The request to extend the time to conduct discovery will be granted. Because the extension may allow the parties to resolve the issues raised by plaintiff's motion to compel, that motion will be denied without prejudice.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff's motion to compel discovery (#60) is denied; and
3 2. Plaintiff's request for an extension of time to conduct discovery (#61) is

4 granted as follows:

5 a. The discovery cutoff is extended to January 30, 2009.
6 b. Pretrial motions shall be filed by February 27, 2009.
7 c. All other dates set in the scheduling order of July 23, 2008 remain in

8 effect.

9 DATED: January 8, 2009.

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12 U.S. MAGISTRATE JUDGE
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