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

NOEL ORTEGA,

Plaintiff,

No. CIV S-07-1110 FCD DAD P

vs.

T. FELKER, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has filed a pretrial statement and motion to obtain the attendance of witnesses. In the court’s July 27, 2009 discovery and scheduling order, the court set deadlines for discovery and pretrial motions. The court did not set dates for the filing of pretrial statements and motions to obtain the attendance of witnesses. Instead, the court informed the parties that additional deadlines would be set, as appropriate, following the adjudication of any dispositive motion or the expiration of time for filing such motions. Therefore, plaintiff’s pretrial statement and motion are premature.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff’s pretrial statement (Doc. No. 21), filed on October 23, 2009, shall be placed in the file and disregarded; and

1 2. Plaintiff's November 18, 2009 motion to obtain the attendance of witnesses for
2 trial (Doc. No. 22), is denied without prejudice as premature.

3 DATED: January 11, 2010.

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6 _____
7 DALE A. DROZD
8 UNITED STATES MAGISTRATE JUDGE

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