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CURTIS HOLLIDAY, 8

No. CIV S-07-1422-CMK-P

Plaintiff,

VS.

ALVARO C. TRAQUINA,

12 Defendant.

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Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to the written consent of all parties, this case is before the undersigned as the presiding judge for all purposes, including entry of final judgment. See 28 U.S.C. § 636(c).

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ORDER

Both parties have filed status reports as requested. In their respective status reports, both parties agree further discovery is needed prior to setting a trial date in this case. The parties also agree that pretrial motions are anticipated, each indicating an intention of filing a motion for summary judgment.

Pursuant to the current scheduling order, discovery is over and all pretrial motions should have been filed. The parties should have had sufficient time to complete their discovery and file their dispositive motions. Nevertheless, as both parties indicate a need to complete additional discovery, and the anticipation of filing dispositive motions, the court will modify the current scheduling order to allow a short time for final discovery requests and dispositive

motions to be filed. The parties are cautioned, however, that the court will not look favorably upon any request to extend these deadlines, and will not grant an extension of time without good cause shown. Accordingly, additional discovery requests may be served, as set forth in the prior scheduling order (Doc. 14), up to and including February 1, 2010. Any necessary motions to compel based on the new discovery requests must be filed on or before April 1, 2010. Any dispositive motions shall be filed on or before May 3, 2010. IT IS SO ORDERED. DATED: December 4, 2009 UNITED STATES MAGISTRATE JUDGE

The time for filing motions to compel based on any prior discovery requests expired in December 2008. The only motions to compel that will be entertained will be those based on new discovery requests pursuant to this order.