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

SAM BESS,

Plaintiff,

No. 2:07-cv-1989 JAM JFM

vs.

MATTHEW CATE, et al.,

Defendants.

ORDER

_____/

On December 17, 2009, plaintiff filed a letter requesting a conference call to resolve a discovery dispute. Tracking records for the United Parcel Service reflect that this request and accompanying declaration were delivered to the clerk's office mail room at 10:43 a.m. on December 18, 2009. However, the UPS envelope with the enclosures were not discovered by the undersigned until Wednesday, December 30, 2009. The envelope had been placed in a staff attorney box on the 16th floor by some unknown person on an unknown date. It does not appear that counsel for either party called either the courtroom deputy or chambers to notify the court of the filing or to inquire as to its status.

Because the undersigned was not aware of this filing until December 30, 2009, the discovery deadline passed on December 22, 2009, and the undersigned has no authority to accommodate the request. The undersigned has taken steps to inquire why chambers was not informed of the UPS delivery on December 18, 2009. However, in any event, further action by

1 the undersigned regarding discovery may not take place unless one or both parties obtain relief
2 from the district judge assigned to this case.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's December 17, 2009
4 request is denied.

5 DATED: January 12, 2010.

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8 UNITED STATES MAGISTRATE JUDGE

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