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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 SAM BESS,

No. Civ. 2:07-CV-01989 JAM JFM

12 Plaintiff,

ORDER DENYING PLAINTIFF'S
MOTION TO CONTINUE SUMMARY
JUDGMENT/ADJUDICATION AND
APPLICATION FOR ORDER
CONTINUING TRIAL DATE AND
RELATED DATES

13
14 v.

15 MATTHEW CATE, DAVID SHAW,
16 RODERICK HICKMAN, JEANNE
17 WOODFORD, JOHN DOVEY, SCOTT
18 KERNAN, and MARTIN HOSHINO,

Defendants.
19 _____/

20 The instant matter before the Court is Plaintiff's motion
21 to continue the summary judgment/adjudication hearing pursuant
22 to Federal Rule of Civil Procedure 56(f). Doc. # 183.

23 Plaintiff also requests an order continuing the trial date and
24 related dates. Id. Defendants oppose Plaintiff's motion. Doc.
25 # 193, 194. Plaintiff filed this case more than two years ago
26 and has engaged in significant discovery. CDCR Defendants have
27 produced over 26,000 documents and OIG Defendants have produced
28 over 15,000 documents in response to Plaintiff's requests.

1 Plaintiff has taken ten depositions and has subpoenaed various
2 third party documents. Plaintiff knew of all outstanding
3 discovery issues when discovery closed on December 22, 2009 and
4 waited until after he received Defendants' motions for summary
5 judgment and/or adjudication to move to continue. The Court
6 finds that Plaintiff has not shown good cause for his delay in
7 seeking a continuance, nor has he demonstrated that he is likely
8 to gather relevant evidence. Accordingly, Plaintiff's last
9 minute attempt to continue the hearing on the motions for
10 summary judgment and the trial is hereby DENIED.
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13 In addition, Plaintiff argues that the Court should grant
14 Plaintiff's motion seeking permission to depose additional
15 Defendants. Doc. # 195 at 6. Plaintiff's motion, however, is
16 not properly before the Court because Plaintiff did not notice
17 the motion for a hearing on the Court's regular law and motion
18 calendar. The Court hereby sets the hearing on Plaintiff's
19 motion for discovery (Doc. # 132) for April 7, 2010 at 9:30 AM
20 in Courtroom 6 (JAM). Responsive pleadings shall be filed in
21 accordance with the Local Rules. Plaintiff's request to shorten
22 time for hearing on his motion for leave to take additional
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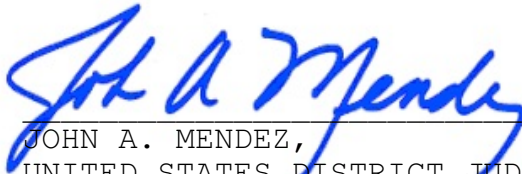
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1 depositions has already been denied by this Court at Docket
2 #146 and is not properly renewed by Plaintiff's reply brief
3 (Doc. #195 at 6) in this matter.
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5 IT IS SO ORDERED.

6 Dated: February 23, 2010

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8 JOHN A. MENDEZ,
9 UNITED STATES DISTRICT JUDGE