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

NOEL FELIX ORTEGA,

Plaintiff,

No. CIV S-07-2095 DAD P

vs.

DAVID RAMIREZ, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action seeking relief under 42 U.S.C. § 1983.

On September 30, 2009, plaintiff filed a second motion for a court order requiring the attendance of two incarcerated witnesses at trial. Similar to plaintiff's previous motion to obtain the attendance of incarcerated witnesses at trial, his pending motion is premature. The deadline for filing dispositive motions has not passed.

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1 Accordingly, IT IS HEREBY ORDERED that plaintiff's September 30, 2009
2 motion (Doc. No. 38) is denied without prejudice to refiling following adjudication of any
3 dispositive motion or upon the expiration of time for filing such a motion.

4 DATED: October 8, 2009.

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

8 DAD:9
9 orte2095.witn(2)

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