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

IVAN KILGORE,

Plaintiff,

No. 2:07-cv-2485 GEB KJN P

vs.

RICHARD MANDEVILLE, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This action was reassigned to the undersigned on February 9, 2010. (Dkt. No. 62.)¹

Plaintiff is proceeding on an amended complaint against defendants Bal, Borges, Dunne, Forshay, Hampton, Kelly, Wedell, and Winton, based on claims of deliberate indifference to medical needs.

Several matters are currently pending before the court, including plaintiff's motion for discovery (Dkt. No. 49 (731 pages)), filed six days prior to the August 31, 2009 discovery deadline (see Dkt. No. 44 (Scheduling Order)). Defendants have filed a motion for

_____ ¹ This action is referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B), Local General Order No. 262, and E.D. Cal. L.R. ("Local Rule") 302.

1 summary judgment (Dkt. No. 63). Quickly upcoming are the deadlines for filing pretrial
2 statements and holding a pretrial conference (see Dkt. No. 44 (pretrial statements due March 19,
3 2010; pretrial conference scheduled March 26, 2010; trial scheduled June 22, 2010)).

4 Plaintiff now seeks, inter alia, a stay of these proceedings to obtain the court's
5 resolution of plaintiff's pending discovery motion and to permit adequate time to complete
6 discovery before responding to defendants' motion for summary judgment and proceeding to
7 trial. (See Dkt. No. 66.) Plaintiff has demonstrated good cause to amend the scheduling order.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. Plaintiff's motion for stay (Dkt. No. 66), construed as a motion to amend the
10 scheduling order (Dkt. No. 44), is granted.

11 2. Plaintiff's near-identical motions for sanctions relative to defendants' failure
12 timely to oppose plaintiff's discovery motion (Dkt. Nos. 56 and 67)² are denied without
13 prejudice.

14 3. The dates currently scheduled for trial, filing pretrial statements, and
15 convening a pretrial conference (see Dkt. No. 44) are vacated pending further order of this court.
16 Should this matter proceed to trial, the court will, by subsequent order, set a trial date and
17 deadline for filing pretrial statements.

18 4. The discovery deadline of August 31, 2009 shall remain in place pending this
19 court's consideration of plaintiff's discovery motion and whether the deadline should be
20 extended to allow for further appropriate discovery.

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25 ² Defendants filed a late opposition to plaintiff's discovery motion (Dkt. No. 57) which
26 the court, in its discretion, will consider.

1 5. The December 4, 2009 deadline for filing dispositive motions (extended
2 several times at defendants' requests)³ shall also remain in place pending further order of this
3 court.

4 SO ORDERED.

5 DATED: March 1, 2010

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KENDALL J. NEWMAN
9 UNITED STATES MAGISTRATE JUDGE
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26 ³ The court notes that defendants nonetheless filed their motion for summary judgment
one day after the last extended deadline. (See Dkt. Nos. 61, 63.)