

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

GARY D. PRICE,

No. CIV S-07-2666-MCE-CMK

Plaintiff,

vs.

ORDER

CITY OF CORNING, et al.,

Defendants.

_____ /

Plaintiff, proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1981. Pending before the court is defendants' unopposed motion for summary judgment (Docs. 18, 33).

Pursuant to the scheduling order issued April 4, 2008 (Doc. 7), discovery is closed and the time to file pretrial motions has passed. This matter is currently set for trial on February 23, 2009, and the parties are required to file pretrial statements on or before January 12, 2009. However, because the pending motion for summary judgment may be dispositive of the entire case, the remaining dates in the scheduling order will be vacated. If the motion for summary judgment is denied, the court will issue an order setting a new trial and pretrial date.

///

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The remaining dates set forth in the scheduling order (Doc. 7), including
3 the January 12, 2009 deadline for pretrial statements and the February 23, 2009 trial, are vacated;
4 and

5 2. If the pending motion for summary judgment is denied, the court will issue
6 an order setting new trial and pretrial dates.

7
8 DATED: January 2, 2009

9
10 
11 **CRAIG M. KELLISON**
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26