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

EDWIN GOLDEN,

Plaintiff,

No. CIV S-08-0356 GEB DAD P

vs.

S. FEUDNER, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is defendant’s motion to modify the scheduling order in this action.

In the pending motion, defendant argues that the deadline for pretrial statements and the date for trial in this case should be suspended until the court rules on defendant’s May 24, 2010 motion for summary judgment.¹ In particular, defendant contends that he should not be required to file a pretrial statement at this time because it remains unclear as to what claims, if any, this action will proceed to trial on. The court agrees.

////

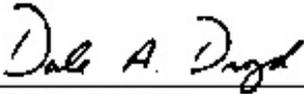
¹ Defendant’s motion is still pending before the court and will be ruled upon in due course.

1 Good cause appearing, IT IS HEREBY ORDERED that:

2 1. Scheduling order dates related to defendant’s pretrial statement (July 23,
3 2010), the pretrial conference (July 30, 2010), and jury trial (October 26, 2010) are vacated. The
4 remainder of the court’s September 21, 2009 scheduling order shall remain in effect; and

5 2. The court will issue a revised scheduling order, if necessary, after the court has
6 ruled upon defendant’s May 24, 2010 motion for summary judgment.

7 DATED: August 25, 2010.

8 
9 _____
10 DALE A. DROZD
11 UNITED STATES MAGISTRATE JUDGE

11 DAD:sj
12 gold0356.41.vac

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