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

JOHN WASHINGTON,
Plaintiff,

No. 2:08-cv-0386-KJM-CMK-P

vs.

ORDER

SALEM MOHAMMED, et al.,
Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. An answer to plaintiff’s complaint has been filed and, therefore, this case is now at issue. Pursuant to Federal Rule of Civil Procedure 16(b), the court will, by this order, set a schedule for this litigation.

1. Discovery requests shall be served by the party seeking the discovery on all parties to the action. Discovery requests shall not be filed with the court except when required by Eastern District of California Local Rules 250.1(a), 250.2(c), 250.3(c), and/or 250.4(c). Improperly filed discovery requests will be disregarded;

2. Responses to written discovery requests shall be due 45 days after the request is served;

1 3. Pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), defendant(s) may
2 depose plaintiff and any other incarcerated witness upon condition that, at least 14 days before
3 such a deposition, all parties are served with the notice required by Federal Rule of Civil
4 Procedure 30(b)(1);

5 4. If disputes arise about the parties' obligations to respond to requests for
6 discovery, the parties shall comply with all pertinent rules, including Federal Rules of Civil
7 Procedure 5, 7, 11, 26, and 37 and Eastern District of California Local Rules 133, 134, 135, 137,
8 130, 131, 110, 141, 141.1, and 230(m); unless otherwise ordered, Local Rule 251 shall not apply.
9 Filing a discovery motion that does not comply with all applicable rules may result in imposition
10 of sanctions, including but not limited to denial of the motion;

11 5. The parties may conduct discovery until January 29, 2016. All requests
12 for discovery pursuant to Fed. R. Civ. P. 30, 31, 33, 34, 36, and 45 shall be served by this
13 discovery cut-off date. Any motions necessary to compel discovery shall be filed within 60 from
14 this cut-off date.

15 6. All dispositive motions shall be filed within 90 days after the discovery
16 cut-off date specified above;

17 7. Unless otherwise ordered, all motions shall be briefed pursuant to Local
18 Rule 230(m), and failure to oppose such a motion in a timely manner may be deemed a waiver of
19 opposition to the motion;

20 8. At a later stage in the proceedings, the court will issue a final scheduling
21 order;

22 9. To the extent plaintiff's motions to set a trial date (Doc. 70) and to compel
23 discovery (Doc. 73) request this case move into the next phase, those motions are granted. A
24 trial date will be set, if appropriate, following completion of discovery and dispositive motions;
25 and

26 ///

1 10. To the extent plaintiff complains his prior discovery requests went
2 unanswered, the motion to compel is denied as premature. If plaintiff now propounds discovery
3 requests that go unanswered, he may file a new motion to compel.

4 IT IS SO ORDERED.

5
6 DATED: September 9, 2015

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8 _____
9 **CRAIG M. KELLISON**
10 UNITED STATES MAGISTRATE JUDGE