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

DAVID E. EDWARDS,

No. CIV S-08-0620-CMK-P

Plaintiff,

vs.

ORDER

CSP SOLANO, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner now proceeding with counsel, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to the written consent of all parties, this case is before the undersigned as the presiding judge for all purposes, including entry of final judgment. See 28 U.S.C. § 636(c).

On January 25, 2012, the court ordered the parties to file a status report indicating whether this case is ready for trial, and if not, why not. The parties filed a joint status report informing the court that this matter is not ready for trial because there is still outstanding discovery to be completed, and that defendants intend to file a motion for summary judgment. They did not, however, provide the court with any reason for the continued delay, why there is still outstanding discovery this far beyond the discovery deadline, or how a second motion for

1 summary judgment would resolve the triable issues in this case.

2 The current scheduling order in this matter set a discovery cutoff date of August 9,
3 2010 (Doc. 51). This date was extended once upon request by plaintiff. The order granting
4 plaintiff's request set a new discovery deadline of October 8, 2010 (Doc. 54). The remainder of
5 the scheduling order was not altered, including the dispositive motion deadline. No further
6 requests to extend the deadlines were filed, and after the deadline for filing dispositive motions
7 had passed without either side filing a motion, the court issued an order for status reports. In
8 their status reports, the parties indicated additional time was needed to file dispositive motions,
9 and defendants had requested additional time to complete discovery. Defendant's belated request
10 for additional time to complete discovery was denied, but the deadline for filing dispositive
11 motions was granted. The parties were provided an additional 45 days to file their respective
12 motions. Both sides then filed motions for summary judgment. On September 12, 2011, the
13 court issued an order denying the motions for summary judgment (Doc. 69). Plaintiff then filed a
14 motion for reconsideration, which was denied (Doc. 71).

15 To the extent the parties now inform the court that additional discovery remains
16 outstanding, and that new motions for summary judgment are contemplated is not well received.
17 The discovery deadline has not been extended, and discovery is long over. In addition, the
18 deadline for filing dispositive motions has also passed. As stated above, both sides filed motions
19 for summary judgment which were denied. Following the denials, the court even engaged in a
20 settlement conference in an attempt to bring this case to resolution. The parties were unable to
21 resolve their differences during the settlement conference, and the case did not settle. Plaintiff's
22 supplemental request for a further settlement conference does not provide the court with any
23 basis to find a further settlement conference would be beneficial, especially as the defendants
24 indicate a further settlement conference would not be successful.

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