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vs.

## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION

THESOLONIA BAKER,

Plaintiff,

Defendants.

Case No. 2:08-cv-01370-KJD-PAL

## DISCOVERY PLAN AND SCHEDULING ORDER

J. WALKER, et al.,

The Complaint (Dkt. #1) in this case was filed on June 17, 2008. Plaintiff is proceeding *in forma pauperis* and *pro se*. The court screened Plaintiff's Complaint pursuant to 28 U.S.C. § 1915 and directed service on Defendants R. Bishop, D. Lytle, and G. Parker. On November 24, 2008, this case was reassigned to the undersigned. Defendants filed an Answer (Dkt. #19) on December 16, 2009. The parties have been engaged in discovery, and the court has decided several of the parties' discovery disputes. Upon review of the docket in this matter, it does not appear that a discovery plan or scheduling order has been entered in this case.

Accordingly,

Pursuant to Federal Rules of Civil Procedure 1, 16, and 26-36, discovery shall continue as follows:

 Discovery requests shall be served by the parties pursuant to Federal Rule of Civil Procedure 5 and Local Rule 5-135 and shall only be filed when required by Local Rules 30-250(a), 33-250(c), 34-250(c), and 36-250(c);

- 2. Responses to written discovery shall be due forty-five days after the request is first served.
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1	3.	Pursuant to Federal Rule of Civil Procedure 30(a), Defendants may depose Plaintiff and
2		any other witness confined in a prison upon condition that, at least fourteen days before
3		such deposition, Defendants serve all parties with the notice required by Fed.R.Civ.P.
4		30(b)(1);
5	4.	If disputes arise about the parties obligations to respond to requests for discovery, the
6		parties shall comply with all pertinent rules, including Rules 5, 7, 11, 26, and 37 of the
7		Federal Rules of Civil Procedure and Rules 5-134, 5-135, 6-136, 7-130, 7-131, 11-110,
8		43-142, and 78-230(m) of the Local Rules of Practice for the United States District
9		Court, Eastern District of California. Unless otherwise ordered, Local Rule 37-251 shall
10		not apply. Filing of a discovery motion that does not comply with all applicable rules
11		may result in the imposition of sanctions, including but not limited to, denial of the
12		motion.
13	Pursuant to Federal Rule of Civil Procedure 16(b), the court will also, by this order, set a	
14	schedule for litigation.	
15	1.	The parties may continue conducting discovery until June 11, 2010. Any motions
16		necessary to compel discovery shall be filed in accordance with the provisions set forth
17		above and shall be filed by June 11, 2010. All requests for discovery pursuant to Fed.
18		R. Civ. P. 31, 33, 34, or 36 shall be served not later than May 11, 2010.
19	2.	All pretrial motions, except motions to compel discovery, shall be filed on or before
20		July 11, 2010. The court will not look with favor on requests for extension of time.
21	3.	Pretrial conference and trial dates will be set, as appropriate, following adjudication of
22		any dispositive motion, or the expiration of time for filing such motion.
23	IT IS SO ORDERED.	
24	Dated	this 14th day of April, 2010.
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26		PEGGY PEEN
27		UNITED STATES MAGISTRATE JUDGE
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