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

MICHAEL JEROME MITCHELL,
Plaintiff, No. CIV S-08-1658 JAM DAD P
vs.
SNOWDEN, et al.,
Defendants. ORDER

_____/

Plaintiff is a state prisoner proceeding pro se with this civil rights action. On August 30, 2011, defendants filed a motion to modify the scheduling order in this case. Under the current scheduling order, the parties were required to complete discovery by September 2, 2011, and file any dispositive motions on or before November 28, 2011. Defendants contend that they have been unable to depose plaintiff because his psychiatric condition has deteriorated, and he is in an inpatient mental health unit where he is without access to his legal and personal property. According to defendants, plaintiff is unable to testify at a deposition by video or otherwise participate in the litigation of this action at the present time.

Good cause appearing, the court will grant defendants’ motion to modify the scheduling order in this case. The court will vacate the deadlines for discovery and dispositive motions. In addition, however, the court will order defense counsel to file a status report on the

1 first court day of each month hereafter, advising the court of the status of plaintiff's condition
2 and housing. Once plaintiff is able to participate in his deposition, the court will re-set a
3 schedule for this litigation.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Defendants' motion to modify the scheduling order (Doc. No. 60) is granted;
6 2. The court's scheduling order deadlines for discovery and dispositive motions
7 are vacated. The rest of the discovery and scheduling order remains in effect; and
8 3. Defense counsel shall file a status report in this case on the first court day of
9 each month advising the court of the status of plaintiff's housing.

10 DATED: September 6, 2011.

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13 DALE A. DROZD
14 UNITED STATES MAGISTRATE JUDGE

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