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

RANDAL LEE,

Plaintiff,

No. CIV S-08-1909 FCD EFB

vs.

CUSTOM BUILDERS, a California corporation; FRANK LATRONICO, individually and dba CUSTOM BUILDERS; DOES 1-50, inclusive,

ORDER

Defendants.

On May 12, 2010, defendants filed a motion for terminating sanctions or, in the alternative, to compel plaintiff to respond to discovery. Dckt. No. 22. Defendants noticed the motion for hearing on June 16, 2010. *Id.* However, the discovery deadline in this case is June 1, 2010. *See* Status (Pretrial Scheduling) Order, filed June 8, 2009, Dckt. No. 13. As set forth in the scheduling order, the discovery deadline is the date on which all discovery is to be “completed,” which “means that all discovery shall have been conducted so that all depositions have been taken and any disputes relative to discovery shall have been resolved by appropriate order if necessary and, where discovery has been ordered, the order has been complied with.”


*Id.*

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1 This court has no authority to consider a discovery motion after the close of discovery.  
2 While plaintiff may file a motion to modify the scheduling order, the motion must be heard and  
3 decided by the district judge.<sup>1</sup> Accordingly, plaintiff's motion for terminating sanctions or to  
4 compel discovery, Dckt. No. 22, is hereby vacated.

5 SO ORDERED.

6 DATED: May 13, 2010.

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8 EDMUND F. BRENNAN  
9 UNITED STATES MAGISTRATE JUDGE  
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24 <sup>1</sup> Alternatively, if defendants seek to have the motion heard on shortened time, they shall  
25 comply with the procedures set forth in Local Rule 144(e). Defendants are reminded, however,  
26 that the current discovery completion deadline of June 1, 2010 requires that all discovery  
disputes be heard by June 1, 2010 *and* that if discovery is ordered as a result of that dispute, the  
order is complied with by June 1, 2010. *See* Dckt. No. 13.