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

LUIS LORENZO ARMENTERO,

Plaintiff,

No. CIV S-08-2790 GGH P

vs.

S. WILLIS,

Defendant.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. In two separate filings, plaintiff has complained of his transfer to Avenal State Prison, which he believes is a retaliatory action for his having filed grievances and a lawsuit. Plaintiff’s primary concern is that the transfer has apparently interfered with his ability to propound discovery because he was transferred on December 23, 2009, as he was starting to prepare his interrogatories. Plaintiff does not explain how discovery propounded at that point would have been timely as the Discovery and Scheduling Order, filed on October 23, 2009, setting February 19, 2010, as the discovery deadline plainly stated: “[a]ll requests for discovery pursuant to Fed. R. Civ. P. 31, 33, 34 or 36 shall be served not later than sixty days prior to that date.” Therefore, plaintiff is unlikely to have been able to timely serve his discovery requests even without having been transferred and separated from his property. In his second filing, it appears

1 that plaintiff is stating that he has been reunited with his property as of January 16, 2010.
2 Plaintiff also claims that he has not been permitted appropriate access to the Avenal State Prison
3 library to make the necessary copies of his discovery requests. Plaintiff is informed, however,
4 that it is only necessary to serve his discovery requests upon the defendant, and not to file them in
5 court, until and unless they become at issue.

6 Despite the fact that plaintiff is unlikely to have been timely served even without
7 having been transferred, the court will consider his circumstances sufficient cause to vacate the
8 discovery deadline from the October 23, 2009 (docket # 20), Discovery and Scheduling Order.
9 The court will also move the pretrial dispositive motion deadline in order to accommodate the
10 extended discovery deadline. No further extension of time will be considered.

11 Accordingly, IT IS ORDERED that:

12 1. In light of plaintiff's filings on January 6, 2010 (docket # 23) and on February
13 8, 2010 (# 24), the dates for the discovery cut-off and the deadline for the filing of pretrial
14 motions are hereby VACATED from the October 23, 2009 (docket # 20), Discovery and
15 Scheduling Order;

16 2. The new extended discovery deadline is re-set to be June 16, 2010;

17 3. The deadline for filing pretrial motions is now extended and re-set to be
18 November 17, 2010; and

19 4. There will be no further extensions of time.

20 DATED: February 19, 2010

/s/ Gregory G. Hollows

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22 GREGORY G. HOLLOWES
23 UNITED STATES MAGISTRATE JUDGE

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