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

CHARLES ROBERT GORTON,

Plaintiff,

No. CIV S-08-3069 LKK GGH P

vs.

TODD, et al.,

Defendant.

ORDER

_____ /

Plaintiff is proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On June 8, 2010, the undersigned issued findings and recommendations that summary judgment be granted for certain defendants (UC Defendants). On September 29, 2010, the Honorable Lawrence K. Karlton declined to adopt the findings and recommendations. Judge Karlton also stated that attempts would be made to find volunteer counsel to represent plaintiff and that discovery may be reopened with respect to the UC Defendants.

Discovery is currently pending with respect to other defendants (Prison Defendants) in this case and plaintiff has filed 7 motions to compel. Docs. 84-89, 93. As counsel may be appointed to represent plaintiff and discovery reopened with respect to the UC Defendants, it would be a poor use of the limited judicial resources in this district to proceed with the pending discovery motions for the Prison Defendants, only to repeat the same process

1 for the UC Defendants if counsel is appointed. Moreover, counsel might desire also to reopen
2 discovery against the Prison Defendants and might withdraw the motions against the Prison
3 Defendants.

4 Therefore, plaintiff's pending discovery motions are vacated, until a final
5 determination is made concerning the appointment of counsel by the District Judge. Plaintiff's
6 motions to appoint a medical expert and counsel are also vacated while the search for counsel
7 continues. Should counsel not be appointed the court will address these motions.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Plaintiff's motions to compel, Docs. 84, 85, 86, 87, 88, 89 and 93, are vacated;
10 2. Plaintiff's motions, Docs. 94, 99, are vacated.

11 DATED: October 7, 2010

12 /s/ Gregory G. Hollows

13 _____
UNITED STATES MAGISTRATE JUDGE

14 GGH: AB
15 gort3069.vac