

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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.,

Defendants.

ORDER

_____ /

On June 8, 2010, the magistrate judge issued findings and recommendations in the above captioned case recommending that this court grant a motion for summary judgment. The court is attempting to find volunteer counsel to represent plaintiff in this matter. If counsel is found, the court will reopen discovery.

Plaintiff is cautioned while the court is attempting to locate volunteer counsel for him, he has the responsibility to continue to prosecute his action. The court is not staying the litigation pending the review; rather the review and continued processing of this case will take place at the same time. No scheduled dates in this litigation have been vacated. Also, it may ultimately turn out that volunteer counsel may not be procurable for plaintiff's case.

For the foregoing reasons, the court orders that defendants' motion for summary judgment is denied without prejudice and, thus, the court declines to adopt the findings and

1 recommendations, ECF No. 75. The court will notify the parties whether it has found counsel to
2 represent plaintiff in this matter, at which time the magistrate judge shall set deadlines by which
3 defendants may move again for summary judgment and, if necessary, to reopen discovery.

4 IT IS SO ORDERED.

5 DATED: September 29, 2010.

6
7 
8 LAWRENCE K. KARLTON
9 SENIOR JUDGE
10 UNITED STATES DISTRICT COURT
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26