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

GUY T. STRINGHAM,

Plaintiff,

No. 2:09-cv-0286 MCE DAD P

vs.

J. BICK, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On July 12, 2012, plaintiff filed a motion for summary judgment. (Doc. No. 58). On August 1, 2012, defendants filed a motion for an extension of time to file an opposition to plaintiff’s motion for summary judgment. (Doc. No. 59). By order filed August 7, 2012 (Doc. No. 60), defendants were granted until October 15, 2012 in which to file and serve their opposition to plaintiff’s motion for summary judgment, together with any cross-motion for summary judgment. Defendants subsequently sought and received an additional extension of time for this purpose (see Doc. No. 66), and they filed their opposition and cross-motion for summary judgment on December 21, 2012. (Doc. No. 68). On January 8, 2013, plaintiff filed a motion for a sixty day extension of time to oppose defendants’ cross-motion for summary judgment (Doc. No. 69) and a reply in support of his own motion for summary judgment (Doc.

1 No. 70). By order filed January 23, 2013 (Doc. No. 71), plaintiff's motion for extension of time
2 was granted and plaintiff was directed to place his opposition to defendants' cross-motion for
3 summary judgment in the mail on or before March 18, 2013.

4 Due to considerations of judicial economy, and good cause appearing, plaintiff's
5 July 12, 2012 motion for summary judgment will be denied without prejudice to its renewal, as
6 appropriate, by plaintiff with his opposition to defendants' cross-motion for summary judgment.
7 In order to renew the motion, plaintiff shall file only a notice of renewal of motion for summary
8 judgment. He shall not refile any of the documents that he filed with the July 12, 2012 motion.
9 Should plaintiff file such notice of renewal, cross-motions for summary judgment, including
10 plaintiff's renewed motion, will be submitted for findings and recommendations following the
11 filing of defendants' reply brief in support of their cross-motion for summary judgment.

12 On August 27, 2012, plaintiff filed a motion for protective order concerning his
13 deposition. (Doc. No. 62.) However, plaintiff's deposition was completed on September 12,
14 2012. (See Ex. B to Deft.' Cross-Motion for Summ. J., filed Dec. 21, 2012 (Doc. No. 68-6).
15 Plaintiff's motion for protective order has been rendered moot and will therefore be denied.

16 On September 20, 2012, plaintiff filed a motion to remove defense counsel and to
17 strike his September 12, 2012 deposition. (Doc. No. 64.) Essentially, plaintiff contends that
18 defense counsel improperly reviewed plaintiff's entire CDCR medical record without his written
19 permission or court authorization and referred to that record throughout his deposition. Good
20 cause appearing, defendants will be directed to respond to plaintiff's motion.

21 In accordance with the above, IT IS HEREBY ORDERED that:

22 1. Plaintiff's July 12, 2012 motion for summary judgment (Doc. No. 58) is denied
23 without prejudice to its renewal with the filing of plaintiff's opposition to defendants' cross-
24 motion for summary judgment. Plaintiff shall renew his motion for summary judgment merely
25 by filing with his opposition only a notice of motion for summary judgment. Thereafter
26 plaintiff's renewed motion for summary judgment will be submitted for findings and

1 recommendations on all the papers on file following the filing of defendants' reply in support of
2 their cross-motion for summary judgment.

3 2. Plaintiff's August 27, 2012 motion for protective order (Doc. No. 62) is
4 denied.

5 3. Within fourteen days from the date of this order defendants shall file and serve
6 a response to plaintiff's September 20, 2012 motion to remove current defense counsel and strike
7 plaintiff's September 12, 2012 deposition (Doc. No. 64).

8 DATED: February 6, 2013.

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11 _____
12 DALE A. DROZD
13 UNITED STATES MAGISTRATE JUDGE

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