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

RICHARD H. GREENE,  
Plaintiff, No. 2:09-cv-0793 JAM JFM (PC)  
vs.  
JAMES TILTON, et al.,  
Defendants. ORDER

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On January 14, 2013, the court issued a scheduling order whereby plaintiff was ordered to serve and file his pretrial statement and any motions necessary to obtain the attendance of witnesses at trial on or before March 14, 2013. Defendants were ordered to file their pretrial statement on or before March 28, 2013. The pretrial conference was set for April 25, 2013 before the magistrate judge to be conducted on the file only, without appearance by either party. The matter was set for jury trial before the Honorable John A. Mendez on August 19, 2013. (See Dkt. No. 70.)

On March 11, 2013, plaintiff filed a motion to modify the January 14, 2013 scheduling order. Plaintiff requests a ninety day extension of time to all of the dates within the January 14, 2013 order. Plaintiff states in his motion that he has lost the help of two inmates who helped him with previous filings and has been unable to obtain the assistance of outside counsel.

1           The court will decline to modify the scheduling order as specifically requested by  
2 plaintiff. This case has been pending for four years and plaintiff has had two months in which to  
3 file his pretrial statement. Nevertheless, the court will slightly adjust the schedule to allow  
4 plaintiff a short period of additional time in which to file his pretrial statement. Thus, the motion  
5 to modify the schedule will be granted in part. However, plaintiff is advised that no further  
6 requests for extensions of time to the schedule shall be granted.

7           Accordingly, IT IS HEREBY ORDERED THAT:

8           1. Plaintiff's motion to modify the January 14, 2013 scheduling order (Dkt. No.  
9 72.) is GRANTED IN PART.

10           2. Plaintiff shall file and serve his pretrial statement and any motions necessary  
11 to obtain the attendance of witnesses at trial on or before April 15, 2013. Defendants shall file  
12 and serve their pretrial statement on or before April 29, 2013. The parties are advised that  
13 failure to file a pretrial statement may result in the imposition of sanctions, including dismissal  
14 of this action.

15           3. Pretrial conference (as described in Local Rule 282) is set in this case for May  
16 30, 2013 before Magistrate Judge Moulds. The pretrial conference shall be conducted on the file  
17 only, without appearance by either party.

18           4. The trial date of August 19, 2013 at 8:30 a.m. in Courtroom # 6 before the  
19 Honorable John A. Mendez shall remain the same.

20 DATED: March 22, 2013.

21   
22 EDMUND F. BRENNAN  
23 UNITED STATES MAGISTRATE JUDGE

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