1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 DARRYL HUBBARD, No. 2:09-cv-0939 TLN AC P 12 Plaintiff. 13 v. **ORDER** 14 C.D. HOUGLAND, et al., 15 Defendants. 16 17 Plaintiff, a former state prisoner proceeding pro se, has filed an action pursuant to 42 18 U.S.C. § 1983. Plaintiff moves for a new Discovery and Scheduling Order. ECF No. 140. 19 Defendants have not filed a response to the request. 20 The May 14, 2013 Discovery and Scheduling Order (DSO) set September 3, 2013 as the 21 discovery deadline and November 22, 2013 as the pretrial dispositive motion deadline. ECF No. 22 120. Plaintiff brought a motion to compel discovery on August 27, 2013. ECF No. 123. On 23 August 30, 2013 the court granted defendants' motion to modify the DSO, permitting defendants 24 until November 2, 2013 to depose plaintiff and extending the time for filing of pretrial motions to 25 January 3, 2014. ECF No. 124. 26 By order filed on March 18, 2014, the court granted plaintiff's motion to compel in part, 27 ordering further responses to specific but more narrowly tailored interrogatories and requests for 28 production. The court ordered production of specified documents in redacted form and directed 1

defendants to file a proposed protective order within seven (7) days. ECF No. 133. Upon issuance of a protective order, the undersigned directed discovery responses and documentation be provided within thirty days. <u>Id.</u> Defendants sought reconsideration of the ruling on plaintiff's motion to compel. ECF No. 136. Upon reconsideration by the district judge, the March 18, 2014 order was affirmed. <u>See</u> ECF No. 137, filed on August 13, 2014.

Defendants filed their proposed protective order on August 20, 2014. ECF No. 138. Prior to the August 28, 2014 filing of the court's protective order, ECF No. 141, plaintiff filed the pending motion for a DSO. By order filed on September 30, 2014, the court granted defendants' request for an extension of time to provide the responses as directed in the March 18, 2014 order, setting the new deadline as October 29, 2014. ECF No. 143.

Therefore, discovery has already been re-opened with a new cut-off date of October 29, 2014. However, the current extended discovery deadline is for the limited purpose of completing discovery pursuant to the March 18, 2014 order. The court has not authorized a new or additional round of discovery requests by plaintiff or defendants. The pretrial dispositive motion deadline remains set for January 3, 2014.

Accordingly, IT IS ORDERED that plaintiff's motion for a new Scheduling and Discovery Order (ECF No. 140) is denied as unnecessary.

DATED: October 7, 2014

ALLISON CLAIRE

UNITED STATES MAGISTRATE JUDGE