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

UNITED STATES OF AMERICA,

No. CIV S-09-1229 LKK EFB

Plaintiff,

vs.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,

Defendant.

ORDER

_____/

Currently noticed for hearing before the undersigned on May 12, 2010 is plaintiff's motion to compel discovery. Dckt. No. 40. However, on May 5, 2010, the parties filed a stipulation and proposed order stating that they are still pursuing settlement of this action and that they "wish to avoid the expense of arguing a discovery motion." Dckt. No. 41. Therefore, the parties requested that the district judge extend the discovery deadline and the deadline by which to have the pending motion to compel heard. *Id.*


On May 6, 2010, the district judge approved the stipulation and proposed order and authorized plaintiff to refile its motion to compel to be heard by June 9, 2010. Dckt. No. 42. Accordingly, plaintiff's motion to compel, Dckt. No. 40, is denied without prejudice. If the case

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1 does not settle, plaintiff may refile the motion for hearing on June 9, 2010, as authorized by the
2 district judge's May 6, 2010 order.

3 DATED: May 6, 2010.

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5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
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