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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 TIMOTHY WATTS,

No. CIV S-09-1515-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 R. RAMOS, et al.,

15 Defendants.  
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17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant  
18 to 42 U.S.C. § 1983. On January 28, 2010, the court issued a discovery order requiring discovery  
19 to be completed by June 1, 2010, and dispositive motions, if any, to be filed within 90 days of  
20 this date. As of October 1, 2010, no dispositive motions had been filed and the court issued an  
21 order requiring the parties to submit status reports in anticipation of setting this matter for trial.  
22 Plaintiff filed his status report on October 15, 2010, and defendants filed their status report on  
23 December 6, 2010. Also before the court is plaintiff's motion to compel (Doc. 25).

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1 In their status reports, the parties state that the matter is not ready for trial. For his  
2 part, plaintiff states that additional discovery is needed and that he anticipates filing a motion for  
3 summary judgment. For their part, defendants state that they have not yet completed plaintiff's  
4 deposition and that "said deposition could be completed within 45 days time should the Court  
5 grant leave to do so." Defendants also state that they anticipate filing a motion for summary  
6 judgment "with[in] 60 days of receipt of Plaintiff's deposition transcript." Defendants ask the  
7 court to "set a 45 day deadline for completion of discovery, with dispositive motions to be filed  
8 no later than 60 days thereafter."

9 It appears that the parties have either ignored or overlooked the court's January  
10 2010 scheduling order which set deadlines for the completion of discovery and filing of  
11 dispositive motions, both of which have passed.<sup>1</sup> To the extent the parties, through their status  
12 report, seek an extension of these expired deadlines, they have not demonstrated good cause for  
13 doing so. As to plaintiff's deposition in particular, defendants have not demonstrated good cause  
14 for noticing such deposition for a date after the discovery cut-off set in the January 2010  
15 scheduling order.

16 The court will provide the parties an opportunity to file motions for leave to  
17 conduct additional discovery and for extensions of the discovery cut-off and dispositive motion  
18 filing deadlines. If no such motions are filed within the time permitted by this order, the court  
19 will proceed to set this matter for trial. In the meantime, because discovery closed on June 1,  
20 2010, and this deadline has not been extended, plaintiff's motion to compel is untimely and is  
21 denied as such.

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25 <sup>1</sup> To the extent the parties have been engaging in discovery since the discovery cut-  
26 off date set in the January 2010 scheduling order, such discovery necessarily has been informal.

Accordingly, IT IS HEREBY ORDERED that:

1. The parties may file motions to extend the discovery cut-off and  
dispositive motion filing deadlines within 30 days of the date of this order; and
2. Plaintiff's motion to compel (Doc. 25) is denied as untimely.

DATED: December 16, 2010

  
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**CRAIG M. KELLISON**  
UNITED STATES MAGISTRATE JUDGE