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

RENE MEDINA,

Plaintiff,

No. CIV S-10-0502 LKK GGH P

vs.

KATHLEEN DICKINSON, et al.,

Defendants.

ORDER

_____ /

By order filed on October 14, 2011, plaintiff’s September 14, 2011, motion for appointment of counsel was denied. Subsequent to the filing of his request for a “re-appointment of counsel” but prior to the issuance of this court’s denial, plaintiff filed a motion to continue his deposition, apparently noticed for October 14, 2011, pending the court’s ruling on the request for counsel.

There was and is no adequate basis for the court to consider a continuance of the deposition. In the August 25, 2011, order granting plaintiff’s counsel’s motion to withdraw,¹ the court was clear that plaintiff would have to continue in this action pro se. Moreover, the court’s Discovery and Scheduling Order, filed on June 2, 2011, has long set the discovery cut-off date as October 14, 2011. The request for continuance of plaintiff’s deposition will be denied nunc pro

_____ ¹ Pro bono counsel had been appointed for plaintiff based on both plaintiff’s request and the particular counsel’s specific request for such appointment. See Order, filed on August 25, 2011.

1 tunc.

2 Plaintiff has also filed a motion for his case to be referred to the “prisoner pro se
3 settlement program.” Docket # 41. The undersigned will direct a response from defendants as to
4 whether they would be amenable to the setting of a settlement conference in this matter at this
5 time.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. Plaintiff’s October 7, 2011 (docket # 40) motion for a continuance of
8 plaintiff’s deposition is denied nunc pro tunc; and

9 2. Defendants are to inform the court, within seven (7) days, of their position with
10 regard to plaintiff’s pending request, filed on October 12, 2011 (docket # 41), for this case to be
11 set for a settlement conference.

12 DATED: October 17, 2011

13 /s/ Gregory G. Hollows
14 UNITED STATES MAGISTRATE JUDGE

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