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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

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By Order filed on October 14, 2011, plaintiff’s September 14, 2011, motion for appointment of counsel was denied. By Order filed on October 18, 2011, plaintiff’s motion to continue his deposition was denied. Plaintiff was informed that there was no basis for the court to consider a continuance of the deposition. Plaintiff was reminded that in the August 25, 2011, order granting plaintiff’s counsel’s motion to withdraw,<sup>1</sup> the court had been clear that plaintiff would have to continue in this action pro se and the court’s Discovery and Scheduling Order, filed on June 2, 2011, had long set the discovery cut-off date as October 14, 2011.

In the Order filed on October 18, 2011, the court also directed defendants to provide a response to plaintiff’s motion, filed on October 12, 2011, for this case to be referred to the “prisoner pro se settlement program.” In their subsequent response, filed on October 28,

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<sup>1</sup> 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 2011, defendants indicate that they do not find a settlement conference at this time to be useful  
2 but would be willing to revisit the matter should the dispositive motion they anticipate filing be  
3 denied. Therefore, plaintiff's motion will be denied without prejudice at this time.

4           Plaintiff has now filed a motion to extend the discovery deadline, which, of  
5 course, he should have, at a minimum, filed prior to the expiration of that deadline. Plaintiff  
6 contends that his counsel's withdrawal was unexpected and that he had believed she would assist  
7 him in conducting discovery. He indicates that he cooperated in his October 14, 2011, deposition  
8 because counsel for defendants stated that she would move to dismiss should he fail to do so. He  
9 states that he has now come to realize that new counsel will not be appointed and that he has  
10 prepared a motion, by which the court infers that he means a request for production of  
11 documents, that he maintains would be crucial for his trial. Plaintiff makes reference to  
12 deposing, interrogating and cross-examining defendants; however, plaintiff does not indicate that  
13 he has, for example, prepared interrogatories at this point.

14           Plaintiff's belief that he would have counsel to help him prosecute his case turns  
15 out to have been mistaken and the court believes that plaintiff had adequate time to conduct  
16 discovery prior to the appointment of his counsel and obviously failed to do so, a failure that  
17 should not, at this time, prejudice defendants. However, the withdrawal of plaintiff's counsel  
18 within a week or two of having been appointed, followed by his efforts to obtain substitute  
19 counsel, has apparently impeded him somewhat and the court does not believe granting plaintiff  
20 additional time to serve his request for production of documents upon defendants will unduly  
21 prejudice them at this point, particularly if the court also extends the dispositive motion deadline.  
22 Therefore, the court will continue the discovery deadline for plaintiff to serve his prepared  
23 discovery requests upon defendants. However, his requests must be served by no later than  
24 fourteen days after the filed date of this order. The discovery deadline will be continued, as will  
25 the pretrial dispositive deadline.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's October 12, 2011 (docket # 41), request for this case to be referred for settlement is denied without prejudice;
2. Plaintiff's motion for an extension of time to conduct discovery, filed on October 27, 2011 (docket # 44), is granted and discovery is re-opened for the limited purpose of permitting plaintiff to serve his prepared discovery requests upon defendants within fourteen days of the filed date of this order.
3. The discovery deadline is now extended until December 28, 2011;
4. The pretrial dispositive motion deadline is extended until April 11, 2012.

DATED: November 1, 2011

/s/ Gregory G. Hollows  
UNITED STATES MAGISTRATE JUDGE

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