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

MEL TYRONE EDWARD,  
Plaintiff,

No. CIV S-10-0979-JAM-CMK-P

vs.

ORDER

D. SWINGLE, et al.,  
Defendants.

\_\_\_\_\_ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. An answer to plaintiff’s complaint has been filed and, therefore, this case is now at issue. Pursuant to Federal Rule of Civil Procedure 16(b), the court will, by this order, set a schedule for this litigation.

1. Discovery requests shall be served by the party seeking the discovery on all parties to the action. Discovery requests shall not be filed with the court except when required by Eastern District of California Local Rules 250.1(a), 250.2(c), 250.3(c), and/or 250.4(c). Improperly filed discovery requests will be disregarded;

2. Responses to written discovery requests shall be due 45 days after the request is served;

3. Pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), defendant(s) may depose plaintiff and any other incarcerated witness upon condition that, at least 14 days before

1 such a deposition, all parties are served with the notice required by Federal Rule of Civil  
2 Procedure 30(b)(1);

3 4. If disputes arise about the parties' obligations to respond to requests for  
4 discovery, the parties shall comply with all pertinent rules, including Federal Rules of Civil  
5 Procedure 5, 7, 11, 26, and 37 and Eastern District of California Local Rules 134, 135, 136, 130,  
6 131, 110, 142, and 230(m); unless otherwise ordered, Local Rule 251 shall not apply. Filing a  
7 discovery motion that does not comply with all applicable rules may result in imposition of  
8 sanctions, including but not limited to denial of the motion;

9 5. The parties may conduct discovery until December 23, 2011. All requests  
10 for discovery pursuant to Fed. R. Civ. P. 30, 31, 33, 34, 36, and 45 shall be served by this  
11 discovery cut-off date. Any motions necessary to compel discovery shall be filed within 60 from  
12 this cut-off date.

13 6. All dispositive motions shall be filed within 90 days after the discovery  
14 cut-off date specified above;

15 7. Unless otherwise ordered, all motions shall be briefed pursuant to Local  
16 Rule 230(m), and failure to oppose such a motion in a timely manner may be deemed a waiver of  
17 opposition to the motion; and

18 8. At a later stage in the proceedings, the court will issue a final scheduling  
19 order.

20 IT IS SO ORDERED.

21  
22 DATED: August 24, 2011

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