

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

UNITED STATE OF AMERICA,
ex rel., ZACHARY HALSTROM,

Plaintiff,

No. CIV S-10-1459 KJM EFB

vs.

AQUA FLORA, INC.; and
KING BIO, INC.,

ORDER

Defendants.

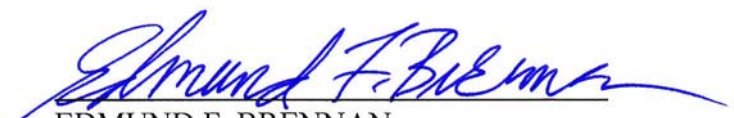
On March 25, 2011, plaintiff filed a motion to compel discovery and set the matter for hearing on April 20, 2011. Dckt. No. 33. However, the discovery deadline in this case was March 25, 2011. See Feb. 7, 2011 Stip. & Order, Dckt. No. 30; see also Nov. 18, 2010 Status (Pretrial Scheduling) Order, Dckt. No. 23. As set forth in the Status (Pretrial Scheduling) Order, the discovery deadline is the date on which all discovery is to be “completed,” which “means that all discovery shall have been conducted so that all depositions have been taken and any disputes relative to discovery shall have been resolved by appropriate order if necessary and, where discovery has been ordered, the order has been obeyed.” Dckt. No. 23; see also Dckt. No. 30 (continuing the discovery completion deadline that was originally set forth in the Status (Pretrial Scheduling) Order to March 25, 2011).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

This court has no authority to consider a discovery motion after the close of discovery. While plaintiff may file a motion to modify the scheduling order, the motion must be heard and decided by the district judge. Accordingly, plaintiff's motion to compel discovery, Dckt. No. 33, is hereby vacated.

SO ORDERED.

DATED: March 31, 2011.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE