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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 RONNIE E. BARRON,
12 Plaintiff,

13 v.

14 M. MARTEL, et al.,
15 Defendants.
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No. 2:10-cv-1567 MCE DB P

ORDER

17 Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights
18 action under 42 U.S.C. § 1983. Before the court are plaintiff's motions to extend the deadline for
19 expert witness disclosures and for discovery.

20 **Relevant Background**

21 This case is proceeding on plaintiff's second amended complaint filed January 3, 2012.
22 (ECF No. 21.) In 2013, the court issued a scheduling order setting a November 15, 2013 deadline
23 for conducting discovery. (ECF No. 42.) After defendants' summary judgment motion was
24 denied in 2014, counsel was appointed for plaintiff on January 26, 2015. (ECF No. 73.) In April
25 2015, plaintiff moved to re-open discovery. (ECF No. 75.) The court granted that request and
26 ordered that limited discovery was to be completed by February 16, 2016. (ECF No. 84.) That
27 discovery was limited to depositions of the individuals involved in plaintiff's medical care,
28 including the defendants. In addition, the court extended the deadlines for the disclosure of

1 expert witnesses to April 15, the disclosure of rebuttal witnesses to June 1, and the completion of
2 expert discovery and depositions to July 1.

3 On April 13, 2016, pursuant to a stipulation of the parties, the court extended the
4 deadlines for the disclosure of expert witnesses to May 13, the disclosure of rebuttal witnesses to
5 June 13, and the completion of expert discovery and depositions to July 29, 2016. (ECF No. 91.)

6 On April 13, 2016 plaintiff's counsel filed a motion to withdraw, which was granted on
7 May 23, 2016. (ECF Nos. 92, 105.)

8 On May 17, 2016 plaintiff, acting in pro per, filed a third amended complaint. (ECF No.
9 101.) Defendants opposed the filing of that complaint. (ECF No. 108.) In an accompanying
10 order, this court strikes the third amended complaint.

11 On May 20, 2016, plaintiff, again acting in pro per, filed a motion for an extension of the
12 deadlines for identifying expert witnesses. (ECF No. 104.) Defendants have not filed an
13 opposition to that motion.

14 On May 31, 2016, plaintiff, now without counsel, filed a motion requesting the production
15 of documents from defendants. (ECF No. 107.) Defendants oppose that motion. (ECF No. 109.)

16 On September 23, 2016, plaintiff filed a motion entitled a motion for a "subpoena duces
17 tecum" that appears to be a second request for the production of documents from the U.C. Davis
18 Medical Center and from Mule Creek State Prison.

19 Pending Motions

20 Plaintiff states that he requires additional time to locate an expert because his appointed
21 attorneys failed to do so. (ECF No. 107 at 2-4.) He states that he has sent letters to several
22 potential experts and is waiting for their replies. The court finds good cause for an extension of
23 the deadlines regarding the identification and depositions of expert witnesses.


24 With respect to plaintiff's motions for the production of documents, plaintiff has failed to
25 show why, at this late date, he should be permitted to conduct discovery, when the deadline for
26 doing so was November 15, 2013. Plaintiff has failed to show good cause to re-open discovery.
27 See Fed. R. Civ. P. 16(b)(4).

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1 For the foregoing reasons, and good cause appearing, IT IS HEREBY ORDERED as
2 follows:

- 3 1. Plaintiff's May 20, 2016 Motion for an Extension of Time (ECF No. 104) is granted.
 - 4 a. The deadline to serve expert witness disclosures is continued to October 30,
5 2016.
 - 6 b. The deadline to serve rebuttal expert witness disclosures is continued to
7 November 30, 2016.
 - 8 c. The deadline to complete all expert discovery, including depositions of expert
9 witnesses, is extended to December 31, 2016.
- 10 2. Plaintiff's May 31, 2016 Motion for Production of Documents (ECF No. 107) is
11 denied.
- 12 3. Plaintiff's September 23, 2016 Motion for Issuance of Subpoena Duces Tecum (ECF
13 No. 114) is denied.

14 Dated: September 30, 2016

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17 DEBORAH BARNES
18 UNITED STATES MAGISTRATE JUDGE
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