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

DAVID WESLEY BIRRELL,
aka BELLA-CHRISTINA BIRRELL,

No. CIV S-10-1707-GEB-CMK-P

Plaintiff,

vs.

ORDER

KEITH HARLAN KNAUF, et al.,

Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s second motion for leave to take the depositions of incarcerated witnesses (Doc. 40) and plaintiff’s motion to extend the discovery cut-off date (Doc. 42).

Plaintiff seeks leave of court to take the oral depositions of four incarcerated witnesses. As with the first motion for leave to take depositions, plaintiff does not state how the four proposed deponents have any personal knowledge of matters relevant to this action. The motion for leave to take depositions will be denied.

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Plaintiff also seeks an order extending the time to conduct discovery to January

2012. For cause, plaintiff states:

This enlargement of time to conduct formal discovery is necessary due to a complete disruption in programming that occurred at the California Medical Facility on 3 July 2011 and lasted through the 25th of July 2011 due to an out break of violence between Black and Southern Hispanic inmates which occurred on the institution's main yard on 3 July 2011.

Plaintiff, however, does not demonstrate how the month-long disruption in programming hampered his ability to conduct formal discovery prior to July 2011 or after July 2011. In this regard, the court notes that discovery opened on June 7, 2011, and currently is scheduled to continue through September 26, 2011. Plaintiff still has almost two months in which to conduct discovery and he does not state how this remaining time is insufficient. Plaintiff's motion to extend the discovery cut-off date will also be denied.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion to compel (Doc. 40) is denied; and
2. Plaintiff's motion to extend the discovery cut-off date (Doc. 42) is denied.

DATED: August 10, 2011


CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE