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

MIDEL JACKSON,

Plaintiff,

No. CIV S-10-2070 GEB EFB P

vs.

MATTHEW CATES, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On March 9, 2011 and March 16, 2011, the postal service returned documents directed to plaintiff as “undeliverable, paroled.” Based on plaintiff’s failure to comply with his obligation to keep the court apprised of his current address, the undersigned recommended on May 24, 2011 that this action be dismissed without prejudice for failure to prosecute. Dckt. No. 31 (citing Local Rule 183(b)).

On May 27, 2011, plaintiff submitted objections to the findings and recommendations. Dckt. No. 32. Plaintiff informed the court that he had been paroled and homeless during the period when his mail had been returned as undeliverable. *Id.* Accordingly, on June 8, 2011, the court vacated its findings and recommendations. In doing so, the court stated: “The case shall proceed according to the discovery and scheduling order issued on March 7, 2011. Due to the

1 delay caused by plaintiff's failure to provide a proper current address, either party may seek
2 modification of the schedule by appropriate motion." Dckt. No. 35 at 2.

3 On June 9, 2011, defendants submitted a motion to conduct plaintiff's deposition via
4 videoconference, in order to avoid travel expenditures that would be incurred if defense counsel
5 were required to travel to plaintiff's place of incarceration. See Fed. R. Civ. P. 30(b)(4)
6 (providing that, on motion, the court may order that a deposition be taken by remote means).
7 Plaintiff has filed no opposition to the request.

8 On June 17, 2011, defendants submitted a motion to modify the scheduling order,
9 because plaintiff's failure to keep the court and defendants apprised of his current address, along
10 with his purported failure to respond to defendants' discovery requests, have made it impossible
11 for defendants to complete discovery within the timetable provided by the scheduling order.

12 Good cause appearing, it is ORDERED that:

13 1. Defendants' request to take plaintiff's deposition by videoconference (Docket No. 36)
14 is granted; and

15 2. Defendants' request to modify the scheduling order (Docket No. 37) is granted, and
16 the scheduling order is modified as follows: Defendants shall have up to and including August
17 1, 2011 to depose plaintiff and any witnesses he identifies in his testimony or to file any motions
18 to compel plaintiff to respond to defendants' discovery requests.

19 DATED: July 6, 2011.

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21 EDMUND F. BRENNAN
22 UNITED STATES MAGISTRATE JUDGE
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