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

BART LYONS,

Plaintiff,

No. 2:11-cv-0268 GEB KJN P

vs.

FOLSOM MERCY HOSPITAL, et al.,

Defendants.

ORDER

_____ /


Plaintiff requests that “the Court allow [two] witnesses be added against their wishes,” identifying parole officers William Weiner and Charles Wallace. (Dkt. No. 56 at 1.) Plaintiff also requests “a Court order to order plaintiff witness Pamela Martin . . . to provide her new contact number and the addresses and contact numbers of her daughters They are all plaintiff’s witnesses and this information was lost when I left Yolo County Jail for DVI [Deuel Vocational Institution].” (Id.)

Plaintiff’s requests are premature. Discovery closed in this action on September 28, 2012. On December 14, 2012, defendants moved for summary judgment; plaintiff is required to file an opposition, or statement of non-opposition within 21 days after service of defendants’ motion. Local Rule 230(l). If plaintiff opposes the motion, he must present facts acquired during discovery. If, however, this action proceeds to trial after a decision on defendants’ motion for

1 summary judgment, plaintiff will be given an opportunity to request an order of court directing
2 the trial attendance of uncooperative witnesses, and the court's assistance in obtaining the contact
3 information for plaintiff's other witnesses (which will require a showing of good cause why
4 plaintiff is unable to obtain this information on his own). Both matters are, however, premature
5 at this juncture.

6 Accordingly, IT IS HEREBY ORDERED that plaintiff's witness requests (Dkt.
7 No. 56), be DENIED without prejudice.

8 DATED: December 17, 2012

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11 KENDALL J. NEWMAN
12 UNITED STATES MAGISTRATE JUDGE

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12 lyon0268.witnesses.premature.