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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EZEQUIEL ROMO,
Plaintiff,
v.
MATTHEW CATE, et al.,
Defendants.

No. 2:11-cv-2898 GEB DB P

ORDER

I. Introduction

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action brought under 42 U.S.C. § 1983. Pending before the court is defendants’ January 7, 2016, motion to compel and September 15, 2016, motion to modify the dispositive motion deadline. ECF Nos. 75, 91.

II. Discussion

This matter proceeds on plaintiff’s fifth amended complaint against defendants T. Virga; G. Drummond; Cpt. Kramer; Lt. J. Stewart; Sgt. Buchanan; Sgt. Ellen; Sgt. Engellener; R.Mendoza; C/O E. Baker; I. Montez; and C/O R. Hood. See ECF Nos. 21, 25, 57.

On September 8, 2015, a Discovery and Scheduling Order (“DSO”) issued setting January

1 11, 2016, as the discovery deadline, and March 9, 2016, as the deadline for filing dispositive
2 motions. ECF No. 73.

3 Shortly after filing their motion to compel, defendants moved for a settlement conference.
4 ECF No. 76. On March 8, 2016, the Court granted defendants' request. See ECF No. 77. The
5 dispositive motion deadline was therefore vacated, and this matter was set for settlement
6 conference before Magistrate Judge Kendall J. Newman for July 27, 2016. After settlement
7 negotiations were held, the case did not settle. Thus, pursuant to the March 8, 2016, Order, the
8 dispositive motion deadline is now September 27, 2016.


9 In their January 7, 2016, motion to compel and in a recently-filed status report, defendants
10 claim that plaintiff has failed entirely to respond to their discovery requests. See ECF No. 93.
11 Plaintiff has also not filed an opposition or statement of non-opposition to defendants' motion. In
12 light of plaintiff's failure to respond, defendants now seek a 90-day extension of the dispositive
13 motion deadline. ECF No. 91. Defendants have demonstrated good cause for both of their
14 motions.

15 **III. Conclusion**

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. Defendants' January 7, 2016, motion to compel (ECF No. 75) is GRANTED;
- 18 2. Plaintiff shall respond to Defendant's discovery requests within thirty days from the
19 date of this Order;
- 20 3. Defendants' September 15, 2016, motion to modify the dispositive motion deadline
21 (ECF No. 91) is GRANTED; and
- 22 4. The dispositive motion deadline is continued to December 15, 2016.

23 Dated: September 27, 2016

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25 
26 DEBORAH BARNES
27 UNITED STATES MAGISTRATE JUDGE

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