

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID FLORENCE,
Plaintiff,
v.
A.W. NANGALAMA, et al.,
Defendants.

No. 2:11-cv-3119 GEB KJN P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On February 20, 2015, plaintiff filed a motion requesting a court order that plaintiff be allowed to contact his inmate witnesses to ensure they are still willing to testify at trial in this matter. Plaintiff claims that pursuant to the September 9, 2014 scheduling order, he is required to file a pretrial statement by March 20, 2015. However, plaintiff is mistaken. The March 20, 2015 deadline is the deadline for pretrial motions, including motions for summary judgment, not plaintiff's pretrial statement. Although the scheduling order provided plaintiff with the information he will need to file a pretrial statement, the deadline for filing a pretrial statement has not yet been set. (ECF No. 56 at 4-5.) Rather, the court must resolve any dispositive motions first. Once such motions are resolved, the court will issue a further scheduling order as appropriate. (ECF No. 56 at 5:18-19.) Pretrial statements will not be required until shortly before the pretrial conference date.

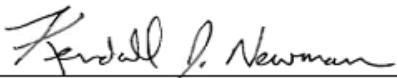
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Moreover, plaintiff has provided detailed declarations from each inmate witness, including their inmate identification number. (ECF No. 69 at 4-19.)

For the above reasons, plaintiff's motion is premature. Once any dispositive motions have been resolved, or the dispositive motion deadline has passed without the filing of such dispositive motion, plaintiff may renew his motion. Plaintiff need not re-file the motion in its entirety, but may simply renew his motion based on his February 20, 2015 filing.

Accordingly, IT IS HEREBY ORDERED that plaintiff's motion (ECF No. 69) is denied without prejudice.

Dated: March 3, 2015


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

/flor3119.den