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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN PHILIP MONCRIEF,
Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,
Defendants.

No. 2:12-cv-0414 MCE AC P

ORDER

Plaintiff has filed motions to conduct additional discovery, stating that it is necessary to establish his claims in opposition to defendants’ motion for summary judgment. ECF Nos. 119, 120. Specifically, plaintiff claims that there is a CDC 7371 transfer notice, dated November 15, 2010, which put the defendants on notice regarding his chronic medical conditions. ECF No. 120 at 1. Although plaintiff has been previously advised that discovery is closed (ECF No. 116), defendants will be directed to advise whether there is a CDC 7371 form for plaintiff dated November 15, 2010, and if so, to provide the form to the plaintiff within twenty-one days of this order.

Additionally, plaintiff has filed a request to conduct additional depositions. ECF No. 121. On December 23, 2015, this court granted the parties an extension of time to conduct party depositions and advised that discovery would only be re-opened for that limited purpose. ECF

1 No. 75. The deadline to conduct depositions was February 12, 2016. Id. Discovery is now
2 closed and will not be re-opened.

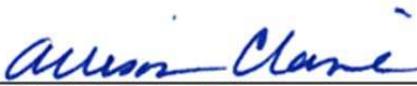
3 The request to conduct additional depositions also indicates that plaintiff either believes
4 that there are additional defendants or that he is trying to amend the complaint to add additional
5 defendants. Plaintiff is advised that Frias, Gorham, and Grounds are the only defendants in this
6 action. ECF No. 72. If plaintiff wants to add additional defendants, he must file a motion to
7 amend the complaint and include a copy of his proposed amended complaint, along with an
8 explanation of why he should be permitted to amend at this late date, especially considering that
9 he has amended the complaint on three prior occasions and had assistance of counsel in doing so.
10 See ECF Nos. 9, 34, 55.

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. Plaintiff's requests for additional discovery (ECF Nos. 119, 120) are granted only to the
13 extent that defendants shall notify the court, within twenty-one days of the filing of this order,
14 whether a CDC 7371 dated November 15, 2010, exists for plaintiff. If there is such a CDC 7371
15 form, defendants shall provide plaintiff with a copy of the form within twenty-one days of the
16 date of this order. The requests are otherwise denied.

17 2. Plaintiff's motion for additional depositions (ECF No. 121) is denied. Discovery will not
18 be re-opened.

19 DATED: April 5, 2017

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21 ALLISON CLAIRE
22 UNITED STATES MAGISTRATE JUDGE
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