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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARTIN WARE,
Plaintiff,
v.
M. McDONALD, et al.,
Defendants.

No. 2:12-cv-1505 TLN KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se, with a civil rights action pursuant to 42 U.S.C. § 1983. On October 13, 2015, plaintiff filed a letter concerning his pretrial statement. Plaintiff states that he is in the process of preparing his pretrial statement, but has had difficulty attending the law library, and needs to file exhibits in excess of 50 pages. Plaintiff also claims his family will be sending a money order to cover the cost of attendance of unincarcerated witnesses.

However, the court has not yet required the parties to file pretrial statements. Rather, on October 7, 2015, the court issued a revised scheduling order which, *inter alia*, extended the deadline for filing pretrial motions, not pretrial statements. It is unclear whether the parties anticipate filing such dispositive motions, but all parties are allowed to file dispositive motions up to and including January 18, 2016. The filing of a pretrial statement at this time would be premature.

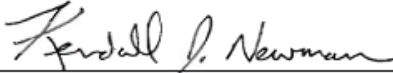
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1 Similarly, plaintiff need not have his family send a money order for the attendance of
2 witnesses until he is instructed to do so by the court. In the pretrial order, the court will address
3 which witnesses are allowed to testify at trial and provide information about witness fees. In
4 addition, in the pretrial order, the court identifies the exhibits the parties expect to submit at trial,
5 but plaintiff is not required to submit exhibits with his pretrial statement, but merely identify
6 them.

7 Once any dispositive motion is resolved, or the dispositive motions deadline of January
8 18, 2016 has passed, the court will issue a further scheduling order providing deadlines for the
9 filing of pretrial statements.¹

10 To the extent that plaintiff seeks an extension of time to file a pretrial statement, IT IS
11 HEREBY ORDERED that plaintiff's request (ECF No. 93) is denied without prejudice.

12 Dated: November 24, 2015

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14 _____
KENDALL J. NEWMAN
15 UNITED STATES MAGISTRATE JUDGE

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27 ¹ In his letter, plaintiff also discusses his plans to file other actions. It is unclear why plaintiff
28 included this information; the undersigned is not able to advise plaintiff on the filing of other
lawsuits. Moreover, the court is not inclined to entertain a motion to amend in this action, filed in
June of 2012.