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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDRES WILLIAMS,  
Plaintiff,  
v.  
FREEZE, et al.,  
Defendants.

No. 2:12-cv-2894 KJM KJN P

ORDER AND REVISED SCHEDULING  
ORDER

Plaintiff is a state prisoner proceeding without counsel. Defendant Dernoncourt’s motion for summary judgment is pending. On May 16, 2014, plaintiff filed a motion to extend discovery. On June 9, 2014, plaintiff filed a motion to postpone ruling on the motion for summary judgment pending receipt of discovery. On June 16, 2014, plaintiff filed a motion for extension of time to file his opposition to the motion for summary judgment.

Subsequently, the parties agreed to extend the discovery deadline, and it appears that defendants provided plaintiff with discovery responses. (ECF No. 54, 59.) On August 22, 2014, plaintiff filed an opposition to the motion for summary judgment.

The court approves the parties’ stipulation filed July 9, 2014. (ECF No. 59.) The discovery deadline is extended nunc pro tunc to August 1, 2014, and the pretrial motions deadline, except motions to compel discovery, is continued to October 31, 2014. All other provisions of the February 21, 2014 discovery and scheduling order remain in effect. In addition,

1 plaintiff's discovery requests served on April 13, 2014, and April 21, 2014, are deemed timely  
2 served, nunc pro tunc. Defendants' responses, served on or before June 27, 2014, are deemed  
3 timely as well. Because the parties agreed to extend discovery by stipulation, plaintiff's motion  
4 to extend the discovery deadline is denied as moot.


5 Finally, inasmuch as it appears discovery is now closed, plaintiff's motion to be present  
6 during the deposition of his wife, Leona Williams, is denied as moot.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's motions (ECF Nos. 53 and 57) are granted;
- 9 2. Plaintiff's August 22, 2014 opposition is deemed timely filed;
- 10 3. Defendant Dernoncourt's reply to the motion for summary judgment, if any, shall be  
11 filed within fourteen days from the date of this order;
- 12 4. The July 9, 2014 stipulation (ECF No. 59) is approved;
- 13 5. The discovery deadline is extended to August 1, 2014, nunc pro tunc; and the pretrial  
14 motions deadline, except for motions to compel discovery, is extended to October 31, 2014;
- 15 6. Plaintiff's May 16, 2014 motion to extend the discovery deadline (ECF No. 43) is  
16 denied as moot; and
- 17 7. Plaintiff's motion to be present during his wife's deposition (ECF No. 51) is denied as  
18 moot.

19 Dated: August 26, 2014

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE