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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD LOPEZ,
Plaintiff,
v.
J. KRIEG, et al.,
Defendants.

No. 2:13-cv-1176 KJM AC P

ORDER

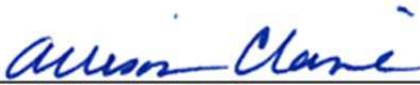
On November 12, 2015, plaintiff filed a motion setting forth the medical reasons for his late response to defendants’ production request, and requesting that this court consider the attendance of two prospective witnesses on plaintiff’s behalf at “any hearing (pre-trial) or trial.” See ECF No. 86 at 2.

Because defendants have not filed a discovery motion challenging the timing of plaintiff’s production response, this matter is not before the court. Plaintiff’s request concerning potential witnesses is premature. The identity of the two witnesses plaintiff references in his “Exhibit 5” remain unclear – the witnesses are not identified by name in plaintiff’s motion, see ECF No. 86 at 2, and plaintiff’s exhibits do not include a clearly-indicated Exhibit 5. Moreover, as set forth in the Discovery and Scheduling Order issued in this case, any motion to obtain the attendance of witnesses must be made in tandem with a pretrial statement. See ECF No. 83 at 2-3. This case still remains in the discovery stage.

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Accordingly, IT IS HEREBY ORDERED that plaintiff's motion filed November 12, 2015, ECF No. 86, is denied without prejudice.

DATED: December 15, 2015



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE