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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DENNIS D. MURPHY, PH.D.,

Plaintiff,

v.

UNITED STATES FOREST SERVICE;
THOMAS TIDWELL, in his
official capacity as
Chief of the United States
Forest Service;
NANCY J. GIBSON, in her
official capacity as
Forest Supervisor of the
United States Forest
Service,

Defendants.

No. 2:13-cv-02315-GEB-AC

**STATUS (PRETRIAL SCHEDULING)
ORDER**

The status (pretrial scheduling) conference scheduled for hearing on February 3, 2014, is vacated since the parties' Joint Status Report filed on January 17, 2014 ("JSR") indicates the following Order should issue.

SERVICE, JOINDER OF ADDITIONAL PARTIES, AMENDMENT

The parties state in the JSR: "Plaintiff anticipates and Defendants stipulate to the filing of an amended complaint in February 6, 2014, pursuant to Fed. R. Civ. P. 15(a)(2)." (JSR 2:11-12.)

1 Other than the referenced amendment, no further
2 service, joinder of parties or amendments to pleadings is
3 permitted, except with leave of Court for good cause shown.

4 DISCOVERY

5 The parties state this "action arises under the
6 [Administrative Procedure Act ("APA")]," and "the parties do not
7 anticipate the need for discovery." (JSR 3:7, 3:22.) Since reason
8 has not been stated justifying discovery other than the
9 administrative record, this order does not authorize additional
10 discovery.

11 MOTION HEARING SCHEDULE

12 The parties state in the JSR: "Because this matter is
13 governed by the APA, the parties anticipate that it can be
14 resolved by summary judgment." (Id. at 3:14-15.) The parties'
15 proposed briefing schedule on cross motions for summary judgment
16 is adopted, as modified, as follows:

17 Plaintiff's Motion for Summary Judgment shall be filed
18 on or before September 22, 2014;

19 Defendants' Opposition and Cross-Motion for Summary
20 Judgment shall be filed on or before October 20, 2014;

21 Plaintiff's Opposition and Reply shall be filed on or
22 before November 24, 2014; and

23 Defendants' Reply shall be filed on or before December
24 15, 2014.

25 The hearing on the cross motions shall be noticed for
26 January 20, 2015.

27 FURTHER STATUS CONFERENCE

28 In the event the referenced cross motions do not

1 dispose of the case in its entirety, a further status conference
2 is scheduled to commence at 9:00 a.m. on March 3, 2015. A joint
3 status report shall be filed fourteen (14) days before the status
4 conference, in which the parties shall address all pertinent
5 subjects set forth in Local Rule 240(a).

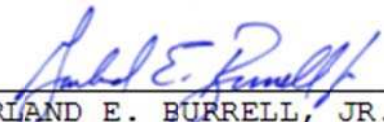
6 IT IS SO ORDERED.

7 Dated: January 28, 2014

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GARLAND E. BURRELL, JR.
Senior United States District Judge

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