

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

WADE THORNTON,

No. 2:14-cv-1039 MCE AC P

Plaintiff,

ORDER

D. DAHLE, et al.,

Defendants.

Plaintiff is a former state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Currently before the court is the defendants' motion to compel plaintiff's attendance at his deposition, for sanctions, and to modify the scheduling order. ECF No. 23.

The court will withhold ruling on the motion to compel and for sanctions until the motion is fully briefed, but will grant the request to modify the scheduling order. The July 7, 2015 discovery deadline and September 19, 2015 dispositive motion deadline will be vacated and re-set upon resolution of the motion to compel. The court will determine whether a hearing on the motion to compel is necessary once the motion is fully briefed.

Additionally, since it appears plaintiff has been released from custody and he has not paid the filing fee, within thirty days from the filing date of this order he must either pay the filing fee in full or submit a non-prisoner application to proceed in forma pauperis, which the Clerk will be directed to provide. Failure to comply with this order will result in a recommendation that this

1 action be dismissed without prejudice.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. Plaintiff shall have fourteen days from the filing of this order file and serve an
4 opposition or notice of non-opposition to the defendants' motion to compel and for sanctions.

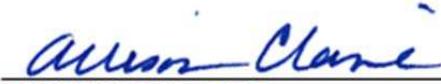
5 2. Defendants' motion to compel and for sanctions and request for a hearing on the
6 motion (ECF No. 23) will be considered once briefing is complete.

7 3. Defendants' motion to modify the scheduling order (ECF No. 23) is granted. The July
8 7, 2015 discovery deadline and September 29, 2015 pretrial motion deadline set by this court's
9 March 18, 2015 order (ECF No. 22) are hereby vacated. The deadlines will be re-set upon
10 resolution of the motion to compel.

11 4. Within thirty days of the filing of this order, plaintiff must either pay the filing fee in
12 full or submit a non-prisoner application to proceed in forma pauperis. Failure to comply with
13 this order will result in a recommendation that this action be dismissed without prejudice.

14 5. The Clerk of the Court is directed to send petitioner a copy of the in forma pauperis
15 form used by this district.

16 DATED: May 26, 2015

17 
18 ALLISON CLAIRE
19 UNITED STATES MAGISTRATE JUDGE
20
21
22
23
24
25
26
27
28