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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SEAN O’NEAL,
Plaintiff,
v.
AUGUST JOHNSON, et al.,
Defendants.

No. 2:14-cv-2374 KJN PS (TEMP)

ORDER

On April 25, 2016, plaintiff filed a motion to compel and set the motion for hearing before the undersigned on May 26, 2016.¹ (Dkt. No. 86.) However, on February 29, 2016, the undersigned issued a scheduling order which provided that all discovery in this action must be “completed” by May 26, 2016. (Dkt. No. 80 at 8.) That order explained that, in the context of discovery:

‘completed’ . . . means that all discovery shall have been conducted so that . . . any disputes relative to discovery shall have been resolved by appropriate order if necessary and, where discovery has been ordered, the order has been complied with.

(Id.)

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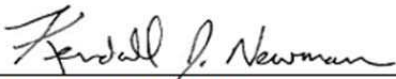
¹ The parties have consented to Magistrate Judge jurisdiction over this action pursuant to 28 U.S.C. § 636(c)(1). (Dkt. No. 16.)

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In this regard, plaintiff's motion is noticed for hearing on the same day as the deadline for the completion of discovery. Even assuming, arguendo, that the court granted plaintiff's motion, there would be insufficient time remaining to allow for defendant's compliance with the court's order. Accordingly, plaintiff's motion to compel (Dkt. No. 86) is denied as untimely and will be dropped from the court's May 26, 2016 calendar.

IT IS SO ORDERED.

Dated: May 20, 2016


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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