

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

MICHAEL SEARS,

No. 2:15-CV-0589-MCE-CMK

Plaintiff,

vs.

ORDER

COUNTY OF BUTTE, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff, who is proceeding with retained counsel, brings this civil action for damages under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et seq., and 42 U.S.C. § 1981. Pending before the court is plaintiff’s motion (Doc. 53) for issuance of an order to show cause regarding contempt directed to non-party Oroville Police Department for failure to comply with a subpoena. A hearing was held before the undersigned in Redding, California, on July 18, 2018. Grant A. Winter, Esq., appeared for plaintiff. William E. Camy, Esq., appeared for defendant. Anita Bamshad, Esq., appeared for non-party Oroville Police Department. After considering arguments, the matter was submitted.

///

///

1 Plaintiff's motion is untimely. Pursuant to the District Judge's April 2, 2018,  
2 order, the original August 12, 2015, scheduling order was modified to allow for the completion  
3 of non-expert discovery by June 15, 2018. See Doc. 14. While plaintiff's counsel argued at the  
4 hearing that more time is needed for discovery in order to honor the spirit of the April 2, 2018,  
5 extension of the discovery deadline, no party has sought any further extensions. Under the  
6 provisions of the District Judge's original scheduling order, ". . . 'completed' means that all  
7 discovery shall have been conducted so that all depositions have been taken and **any disputes**  
8 **relative to discovery shall have been resolved by appropriate order if necessary, and where**  
9 **discovery has been ordered, the order has been obeyed.**" (emphasis added). Because  
10 plaintiff's motion was filed on June 15, 2018, with a hearing noticed for July 18, 2018, it is  
11 untimely.

12 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion (Doc. 53) for  
13 issuance of an order to show cause regarding contempt directed to non-party Oroville Police  
14 Department is denied as untimely.

15  
16 DATED: July 18, 2018

17   
18 **CRAIG M. KELLISON**  
19 **UNITED STATES MAGISTRATE JUDGE**  
20  
21  
22  
23  
24  
25  
26