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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VINCENT BRUCE,
Plaintiff,
v.
SHAMA CHAIKEN, et al.,
Defendants.

No. 2: 15-cv-0960 TLN KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On October 28, 2016, defendants filed a summary judgment motion. (ECF No. 37.) On July 27, 2017, the undersigned granted plaintiff’s motion to file an expert witness declaration in support of his opposition. (ECF No. 68.) (ECF No. 68.) The undersigned granted defendants twenty-eight days to inform the court whether they wished to reopen discovery with respect to plaintiff’s expert witness declaration. (Id.)

On August 23, 2017, defendants filed a response to the July 27, 2017 order. (ECF No. 69.) Defendants state that they wish to reopen discovery in order to take the deposition of plaintiff’s expert, Dr. Mallory. Defendants request eighty days to schedule and conduct this deposition. Because Dr. Mallory is located in Florida, defendants request permission to depose him by video under Federal Rule of Civil Procedure 30(b)(4).

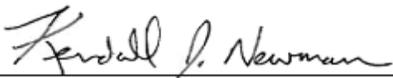
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Good cause appearing, IT IS HEREBY ORDERED that:

1. Defendants' summary judgment motion (ECF No. 37) is vacated;
2. Defendants' request to reopen discovery is granted; defendants are granted eighty (80) days to depose Dr. Mallory; defendants may depose Dr. Mallory by video; a court reporter shall be present with Dr. Mallory during the deposition;
4. Within one hundred days (100) of the date of this order, defendants shall inform the court whether they wish to file a new summary judgment motion or a supplemental reply; following receipt of this briefing, the court will issue a further scheduling order.

Dated: August 30, 2017


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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