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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID D. HARRIS,  
Plaintiff,  
v.  
N. KENNEDY, et al.,  
Defendants.

No. 2:16-cv-0588 DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. Plaintiff alleges defendants failed to take appropriate action when plaintiff attempted suicide in August 2015. Before the court is plaintiff’s “motion for discovery” and defendants’ motion for an amendment to the discovery and scheduling order. For the reasons set forth below, the court denies plaintiff’s motion without prejudice and grants defendants’ motion.

In his “Motion for Discovery,” plaintiff seeks an order requiring California State Prison (“CSP”)-Corcoran to provide him copies of a CDCR 602 appeal and other legal documents. (ECF No. 28.) At the time he filed this motion, plaintiff was incarcerated at CSP-Sacramento. He asks that his documents be sent there. However, since plaintiff filed his motion, he has filed three notices of changes of address. (See ECF Nos. 30, 32, 33.) According to the most recent notice, plaintiff is incarcerated at the California Health Care Facility (“CHCF”) in Stockton.

1 In their February 28, 2017 motion for an amendment to the discovery and scheduling  
2 order, defendants state that plaintiff remains housed at CHCF but that he is there temporarily to  
3 receive treatment. (ECF No. 34 at 4.) Defendants state that, according to the litigation  
4 coordinator at CHCF, no date has been established to return plaintiff to permanent housing.  
5 According to defendants, plaintiff does not have his legal property during this temporary stay at  
6 CHCF. Defendants request an extension of the deadlines for discovery and to file pretrial  
7 motions primarily because they have been unable to depose plaintiff due to his health, the moves,  
8 and his lack of his legal property.

9 Because plaintiff is incarcerated only temporarily at CHCF, the court will not at this time  
10 intervene to assist plaintiff in obtaining his legal property. When plaintiff is returned to  
11 permanent housing, if he continues to be without his legal property, he may notify the court if he  
12 requires assistance.

13 Good cause appearing, IT IS HEREBY ORDERED as follows:

- 14 1. Plaintiff's Motion for Discovery (ECF No. 28) filed November 15, 2016, is denied  
15 without prejudice; and
- 16 2. Defendants' Motion for an Extension of Time (ECF No. 34) is granted. The discovery  
17 and pretrial motions deadlines in the November 21, 2016 Discovery and Scheduling  
18 Order are continued. Discovery, including any motions to compel discovery, shall be  
19 completed by May 9, 2017. All other pretrial motions shall be filed by August 4,  
20 2017. In all other respects, the Discovery and Scheduling Order remains the same.

21 Dated: March 1, 2017

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25 DEBORAH BARNES  
26 UNITED STATES MAGISTRATE JUDGE

24 DLB:9  
25 DLB1/prisoner-civil rights/harr0588.dso eot