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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TRACY LEE STEWART,  
Plaintiff,  
v.  
E. ACOSTA, et al.,  
Defendants.

No. 2:16-cv-1132 TLN AC P

ORDER

This case was set for a settlement conference, which took place on November 8, 2018. ECF No. 22. The settlement conference was not successful and plaintiff has now filed a “motion to preserve all questions.” ECF No. 30. He asks the “Court to take consideration of the circumstances, which lead [sic] up to the confusion depriving plaintiff of request for admissions, documents, and interrogatories” and that he “was sincerely under the impression that rescheduling would be set due to the settlement conference/arbitration hearing.” Id. It appears he is asking for the court to re-open discovery due to his mistaken belief that proceedings were stayed due to the settlement conference. However, discovery requests were to be served no later than August 31, 2018 (ECF No. 20 at 5), and the order setting this case for a settlement conference did not issue until October 10, 2018 (ECF No. 21). This means that at the time this case was scheduled for a settlement conference, the time for serving discovery requests had been closed for approximately a month and a half. Plaintiff’s claim that he believed the case was stayed pending the settlement

1 conference does not explain his failure to request an extension of time to serve discovery requests  
2 prior to the August 31, 2018 deadline or during the subsequent month and a half before the  
3 October 10, 2018 order was issued.

4 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to re-open discovery  
5 (ECF No. 30) is denied.

6 DATED: January 16, 2019

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8 ALLISON CLAIRE  
9 UNITED STATES MAGISTRATE JUDGE  
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