

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
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLTON FIELDS,
Plaintiff,
v.
E.F. CASTRILLO,
Defendant.

No. 2:17-cv-1068 AC P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with this civil rights action filed pursuant to 42 U.S.C. § 1983. On March 8, 2018, the court issued an order that, inter alia, denied plaintiff’s motion for appointment of counsel. See ECF No. 26. On March 23, 2018, the court issued an Amended Discovery and Scheduling Order, setting a May 25, 2018 discovery deadline, and an August 24, 2018 dispositive motion deadline. See ECF No. 30. On March 29, 2018, plaintiff filed a motion for summary judgment, ECF No. 31, and a second motion for appointment of counsel, ECF No. 32. For the reasons that follow, plaintiff’s recent motions will be denied.

Plaintiff’s dispositive motion is prematurely filed because discovery has not yet closed in this case. Therefore, the motion will be denied without prejudice. Plaintiff may file and serve a motion for summary judgment *after* the close of discovery on May 25, 2018, and *before* expiration of the dispositive motion deadline on August 24, 2018.

1 Plaintiff's motion for appointment of counsel will be denied for the reasons stated by the
2 court in its order filed March 8, 2018, denying plaintiff's prior motion.

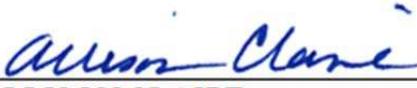
3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff's motion for summary judgment filed March 29, 2018, ECF No. 31, is denied
5 without prejudice as prematurely filed.

6 2. Plaintiff's motion for appointment of counsel filed March 29, 2018, ECF No. 32, is
7 denied for the reasons previously stated by the court in its order filed March 8, 2018 (ECF No.
8 26).

9 IT IS SO ORDERED.

10 DATED: April 11, 2018

11 
12 ALLISON CLAIRE
13 UNITED STATES MAGISTRATE JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28