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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALEXANDRA FERREIRA DA SILVA,
Plaintiff,
v.
HEIDI C. MORGAN,
Defendant.

No. 2:21-cv-01208 DJC CKD PS

ORDER

Plaintiff proceeds pro se under 42 U.S.C. § 1983. This matter is referred to the undersigned pursuant to 28 U.S.C. § 636(c) and Local Rule 302(c)(21). In the operative first amended complaint filed on October 1, 2021, plaintiff alleges defendant, an officer at the Yuba County jail, used unconstitutionally excessive force on March 17, 2020, while plaintiff was civilly detained at the jail. (See ECF No. 12.)

On May 16, 2023, the undersigned ordered that limited purpose counsel be appointed for plaintiff, subject to an attorney accepting the request for voluntary assistance. (ECF No. 65.) Discovery was stayed pending further order of this court.

Unfortunately, the court’s Pro Bono Program has not been able to locate an attorney to provide voluntary assistance to plaintiff. District courts lack authority to require counsel to represent indigent litigants in section 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989).

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Good cause appearing, IT IS HEREBY ORDERED as follows:

1. The stay of discovery is lifted.

2. The terms of the pretrial scheduling order filed on March 20, 2023 (ECF No. 55), are reinstated, with modifications to the deadlines contained therein as follows:

a. All non-expert discovery shall be completed by **May 12, 2024**.

b. The parties shall disclose any expert witnesses in accordance with the specifications of Federal Rule of Civil Procedure 26(a)(2) no later than **June 7, 2024**. Any rebuttal expert disclosures shall be made by **June 28, 2024**. All expert discovery shall be completed by **July 26, 2024**.

c. Except as to discovery-related matters, all law and motion, shall be completed (i.e. heard) by **September 27, 2024**.

d. In all other respects, the terms of the pretrial scheduling order entered on March 20, 2023, apply.

3. Defendant's request to vacate discovery stay (ECF No. 69) is denied as moot.

Dated: November 13, 2023



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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