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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEXTER E. DALE,)	No. C 05-1842 JSW (PR)
Plaintiff,	}	ORDER LIFTING STAY FOR
v.	}	MEDIATION PROCEEDINGS
L. FERNANDEZ and L. LOUGH,	}	AND SETTING MOTION
Defendants.	}	SCHEDULE
_____	}	

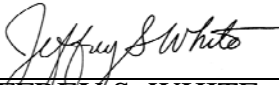
Plaintiff, a prisoner of the State of California, currently incarcerated at the Correctional Training Facility (“CTF”) in Soledad, California, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983, complaining of deliberate indifference to his serious medical needs by Defendants, both nurses at CTF. On February 27, 2007, summary judgment was denied as to Defendant Fernandez, but as of that time, Defendant Lough had not been served. Thereafter, Defendant Lough was served by the United States Marshal in Tulsa, Oklahoma and a motion to quash the subpoena or dismiss the complaint was denied by the Court. The Court then referred the case to the Pro Se Prisoner Mediation Program and a schedule for Defendant Lough’s dispositive motions in this action was stayed until mediation proceedings were completed.

On November 5, 2008, Magistrate Judge Vadas filed a report in this case, notifying the Court that the parties were unable to reach an agreement during the mediation. Therefore, the stay of this matter for mediation proceedings is now lifted. The Court further orders Defendant Lough to file a motion for summary judgment or other dispositive motion, or a notice to the Court that they are of the opinion that this matter cannot be resolved by dispositive motion no later than **thirty (30) days** from the date of this order. Given that the

1 Court has already denied summary judgment as to Defendant Fernandez, no extensions of time
2 to file a dispositive motion will be granted, except upon a showing of exceptional
3 circumstances.

4 IT IS SO ORDERED.

5 DATED: January 6, 2009

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JEFFREY S. WHITE
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5
6 DALE,

7 Plaintiff,

8 v.

9 FERNANDEZ et al,

10 Defendant.
11 _____/

Case Number: CV05-01842 JSW

CERTIFICATE OF SERVICE

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on January 6, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
17 receptacle located in the Clerk's office.

18 Dexter E. Dale
19 D-14750
20 P.O. Box 689
21 Soledad, CA 93960-0689

22 Dated: January 6, 2009



23 Richard W. Wieking, Clerk
24 By: Jennifer Ottolini, Deputy Clerk
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