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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 RONALD METCALFE,

12 Plaintiff,

13 v.

14 CALIFORNIA DEPARTMENT OF
15 CORRECTIONS & REHABILITATION;
16 SALINAS VALLEY STATE PRISON ("SVSP")
17 WARDEN A. HEDGPETH; FORMER SVSP
18 WARDEN M. EVANS; FORMER SVSP CHIEF
19 DEPUTY WARDEN G. NEOTTI; FORMER
20 SVSP CHIEF DEPUTY WARDEN G. LEWIS;
21 CORRECTIONAL TRAINING FACILITY
22 ("CTF") WARDEN R. GROUNDS; FORMER
23 CTF WARDEN(A) C. NOLL; and DOES 1
24 THROUGH 50 INCLUSIVE,

25 Defendants.

Case No.: 5:12-CV-1445-LHK

ORDER DENYING REQUEST FOR
30 DAY EXTENSION

26 On February 19, 2013, Plaintiff Ronald Metcalfe filed a status report in which Plaintiff
27 stated "that at the mediation conducted in this case on Friday, February 15, 2013, a conditional
28 settlement of the entire action was reached, subject to internal approvals within CDCR, necessary
governmental approvals, and execution of a formal settlement agreement and release in proper
form." ECF No. 32. Plaintiff requested that the case management conference scheduled for
February 20, 2013 be continued for thirty days. *See id.* Over the past six months, the parties have
filed numerous requests that the Case Management Conference in this matter be continued so that
CDCR could approve the settlement agreement and so that this case could be dismissed. ECF Nos.

1 34, 37, 39. Each time, the parties have represented that Plaintiff will dismiss this case and re-file in
2 state court if CDCR does not approve the settlement. *See id.*

3 On July 24, 2013, the parties filed a status report in which the parties state that CDCR has
4 decided not to approve the settlement agreement. ECF No. 41. The parties request yet another 30
5 day extension of time so that they can have further settlement discussions. The parties request for a
6 30 day extension is DENIED. The Court hereby ORDERS that, by noon on July 29, 2013, Plaintiff
7 shall file a stipulation of dismissal. If Plaintiff does not file a stipulation of dismissal, the parties
8 must file a Joint Case Management Conference Statement ("JCMS") by the same date and time.
9 The Case Management Conference scheduled for July 31, 2013 at 2:00 p.m. remains as set. In the
10 parties' JCMS the parties should propose a new schedule for this matter.

11 **IT IS SO ORDERED.**

12 Dated: July 26, 2013



LUCY H. KOH
United States District Judge