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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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IOHN MICHAUD,	
	Plaintiff,
VS.	
ROBERT BANNISTER et al.,	
	Defendants.

2:08-cv-01371-RCJ-PAL

ORDER

12 Plaintiff John Michaud is a prisoner at the Southern Desert Correctional Center ("SDCC") proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. The Court 14 dismissed his claims as variously time-barred and moot. The Court of Appeals affirmed in part, reversed in part, and remanded for further proceedings as to Eighth Amendment damages claims 16 arising out of the alleged denial of cataract surgery in 2007 and 2008.

17 Plaintiff has filed a Motion to Compel (ECF No. 26) and a Motion to Set a Trial Date 18 (ECF No. 30). First, the motion to compel is moot, as the injury complained of has been 19 rectified, i.e., Defendants have agreed to place into Plaintiff's inmate account the amount 20 previously deducted for the costs of the appeal. Second, setting a trial date would be premature. 21 As Defendants note, no discovery has yet taken place. Defendants suggest the Court should 22 solicit a discovery plan and scheduling order.

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1	CONCLUSION
2	IT IS HEREBY ORDERED that the Motions to Compel and Set a Trial Date (ECF Nos.
3	26, 30) are DENIED.
4	IT IS FURTHER ORDERED that the parties shall submit a proposed discovery plan and
5	scheduling order no later than August 21, 2011.
6	IT IS SO ORDERED.
7	Dated this 22^{nd} day of July, 2011.
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9	ROBERT / JONES United States District Judge
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