

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JAMES T. CONWAY, III

Petitioner,

-vs-

MARC C. HOUK, Warden,

Respondent.

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Case No. 3:07-cv-345

:

District Judge Walter Herbert Rice  
Magistrate Judge Michael R. Merz

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**SCHEDULING ORDER**

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On February 3, 2010, the Magistrate Judge filed an Order denying all four of Petitioner's then-pending motions to compel without prejudice to their timely renewal after correction of the deficiencies pointed out by the Court (Doc. No. 45). In the same Order, the Court required Petitioner to show why all of the discovery sought by the Motions to Compel should not be denied as untimely since the discovery cut-off in this case was January 31, 2010.<sup>1</sup> More than thirty days has expired since the Order and the Motion has not been renewed. Accordingly, all further discovery in this case is barred by expiration of the discovery cut-off.

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<sup>1</sup>On April 8, 2009, the Court granted identified discovery in the case and set the discovery cut-off for October 31, 2009 (Doc. No. 31). On October 30, 2009, Petitioner moved to extend that deadline to February 1, 2010 (Doc. No. 34). The Court granted that Motion, extending the time to January 31, 2010, on condition Petitioner file within ten days a detailed discovery plan (Doc. No. 36). The Order noted that no further extensions of discovery would be granted. *Id.*

Any motion for evidentiary hearing herein shall be filed not later than April 1, 2010.

March 6, 2010.

s/ **Michael R. Merz**  
United States Magistrate Judge