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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS CAVNER,	1:07-cv-00184-GSA-PC
Plaintiff,	ORDER GRANTING DEFENDANT
v.	WEINSTEIN LEAVE TO FILE MOTION
	FOR SUMMARY JUDGMENT
ERICA WEINSTEIN, et al.,	FORTY-FIVE DAY DEADLINE
Defendants.	

Thomas Cavner ("Plaintiff") is a civil detainee proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The parties to this action consented to the jurisdiction of a Magistrate Judge pursuant to 28 U.S.C. § 636(c), and on June 7, 2010 this action was reassigned to the undersigned to conduct all further proceedings, including trial and entry of judgment. (Docs. 35, 39, 40.) This case now proceeds on Plaintiff's original complaint against defendant Erica Weinstein ("Defendant") for failing to provide Plaintiff with adequate medical treatment, in violation of the Eighth Amendment.¹ The pre-trial deadlines in this action established by the Court's scheduling order of April 13, 2009, have expired. The case has not been set for trial.

On November 9, 2010, Defendant made a request for the Court to consider re-opening the motion calendar for this matter so that defendant Weinstein could bring a motion for summary

¹Defendant Voss was dismissed from this action by the Court on February 11, 2011, pursuant to Rule 4(m). (Doc. 53.) As a result, defendant Weinstein is the only defendant remaining in this action.

1 judgment. Defendant asserts that it is probable the case can be resolved via summary judgment,
2 eliminating the need for trial. A court may modify a scheduling order for good cause. Fed. R.
3 Civ. P. 16(b)(4). Good cause having been presented to the Court, and good cause appearing
4 therefor, Defendant shall be granted forty-five days in which to file a motion for summary
5 judgment.

6 Accordingly, IT IS HEREBY ORDERED that Defendant Weinstein is granted leave to
7 file a motion for summary judgment within forty-five days from the date of service of this order.

8
9 IT IS SO ORDERED.

10 Dated: February 16, 2011

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE