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

GARY ANDRE LACY,
Plaintiff,
vs.

H. TYSON, et al.,
Defendants.

1:07-cv-00381-LJO-GSA (PC)

ORDER GRANTING PLAINTIFF’S
MOTION
(Doc. 124.)

ORDER DEFERRING DECISION ON
MOTION FOR SUMMARY JUDGMENT
PENDING RESOLUTION OF
PLAINTIFF’S MOTION TO COMPEL
(Doc. 99.)

_____ /

Gary Andre Lacy (“Plaintiff”) is a prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on March 9, 2007. (Doc. 1.) This action now proceeds on the Second Amended Complaint, filed on April 28, 2009, against defendants Correctional Officers R. Reyna, T. Reyna, and N. Correa; Correctional Sergeants J. Peacock, M. Bremnar, and M. Brookwalter; Captain H. Tyson; Medical Technician Assistant (MTA) Aspetitia; and Doctor I. Patel; on Plaintiff’s claims for excessive force, retaliation, and deliberate indifference to serious medical needs.¹

On December 7, 2011, Plaintiff filed a motion to compel production of documents, which is pending. (Doc. 99.) Also pending is Defendants’ motion for summary judgment, filed on June

¹ Defendants Dill and Heanacho were dismissed by the Court on August 27, 2009. (Doc. 17.) Plaintiff’s claims for equal protection, and for retaliation against defendant Dill, were also dismissed by the Court, for failure to state a claim. Id. To date, defendant R. Reyna has not been successfully served with process.

1 29, 2012. (Doc. 121.) On July 16, 2012, Plaintiff filed a motion for the Court to defer
2 consideration of Defendants' motion for summary judgment pending resolution of Plaintiff's
3 motion to compel. (Doc. 124.)

4 Good cause having been presented to the court, and GOOD CAUSE APPEARING
5 THEREFOR, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's motion is GRANTED;
- 7 2. The Court shall defer its decision on Defendants' motion for summary judgment,
8 filed on June 29, 2012, pending the resolution of Plaintiff's motion to compel, filed
9 on December 7, 2011.

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11 IT IS SO ORDERED.

12 **Dated: August 23, 2012**

/s/ Gary S. Austin
13 UNITED STATES MAGISTRATE JUDGE
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