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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF CALIFORNIA
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7 GARY ANDRE LACY

8 Plaintiff,

9 vs.

10 H. TYSON, et al.,

11 Defendants.
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1:07-cv-00381-LJO-GSA-PC

ORDER IN RESPONSE TO MOTIONS
(Docs. 155, 156.)

13 **I. BACKGROUND**

14 Gary Andre Lacy ("Plaintiff") is a state prisoner proceeding pro se with this civil rights
15 action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on
16 March 9, 2007. (Doc. 1.) This action now proceeds on the Second Amended Complaint, filed
17 on April 28, 2009, against defendants Correctional Officer (C/O) T. Reyna, C/O N. Correa,
18 Sergeant J. Peacock, Sergeant M. Bremnar, Sergeant M. Brookwalter, Captain H. Tyson,
19 Medical Technician Assistant Aspeitia-Fleming, and Doctor I. Patel, (collectively,
20 "Defendants") on Plaintiff's claims for excessive force, retaliation, and deliberate indifference
21 to serious medical needs, based on events beginning in January 2006.¹

22 On June 29, 2012, Defendants filed a motion for summary judgment. (Doc. 121.) On
23 July 16, 2012, Plaintiff filed a motion to defer the court's ruling on the motion for summary
24 judgment pending resolution of Plaintiff's motion to compel. (Doc. 124.) On August 23, 2012,
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27 ¹Defendants Dill and Heanacho were dismissed by the Court on August 27, 2009. (Doc. 17.) Plaintiff's
28 claims for equal protection, and for retaliation against defendant Dill, were also dismissed by the Court, for failure
to state a claim. Id. On November 5, 2012, the court dismissed defendant R. Reyna from this action, with
prejudice, due to notice of the defendant's death. (Doc. 132.)

1 the court granted Plaintiff's motion to defer the ruling. (Doc. 125.) On February 7, 2013,
2 Plaintiff's motion to compel was fully resolved.² (Doc. 148.)

3 On November 8, 2012, Plaintiff filed an opposition to the motion for summary
4 judgment. (Doc. 135.) On December 10, 2012, Defendants filed a reply. (Doc. 144.)

5 On March 23, 2015, Plaintiff filed a motion to expedite the ruling on Defendants'
6 motion for summary judgment, and a motion for a scheduling order. (Docs. 155, 156.)
7 Plaintiff's motions of March 23, 2015 are now before the court.

8 **II. PLAINTIFF'S MOTIONS**

9 Plaintiff requests an order setting out deadlines in this case, in order to expedite
10 resolution of the pending motion for summary judgment. Plaintiff raises his concerns that
11 Defendants' motion for summary judgment was not reinstated on the court's calendar following
12 resolution of the motion to compel.³

13 **Discussion**

14 Plaintiff is advised that Defendants' motion for summary judgment was reinstated on
15 the court's calendar upon final resolution of Plaintiff's motion to compel, and the motion is
16 now under consideration.

17 **III. CONCLUSION**

18 This order resolves Plaintiff's motions filed on March 23, 2015.

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20 IT IS SO ORDERED.

21 Dated: May 16, 2015

21 /s/ Gary S. Austin
22 UNITED STATES MAGISTRATE JUDGE

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26 ² On February 7, 2013, Defendants filed their supplemental response to Plaintiff's motion to
27 compel. (Doc. 148.)

28 ³ On August 23, 2012, the court granted Plaintiff's motion to defer the ruling on the motion for
summary judgment pending resolution of Plaintiff's motion to compel of December 7, 2011. (Doc. 125.)