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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL ANDRE TODD,

CASE NO. 1:08-cv-01504-GBC (PC)

Plaintiff,

ORDER GRANTING DEFENDANTS'  
REQUEST TO WITHDRAW PENDING  
SUMMARY JUDGMENT MOTION AND  
AMENDING DISCOVERY SCHEDULE

v.

ANTHONY L. HEDGPETH, et al.,

(Docs. 47, 58)

Defendants.

Discovery Cut-Off Date - 04/02/2012  
Dispositive Motion Deadline - 05/02/2012

Plaintiff Michael Andre Todd ("Plaintiff"), is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on October 6, 2008. Doc. 1. The Court screened Plaintiff's original complaint pursuant to 28 U.S.C. § 1915A, and found that it stated cognizable claims against defendants: 1) Dill; 2) Keldgord; 3) Hedgpeth; and 4) Lopez ("Defendants") for deliberate indifference to Plaintiff's serious medical needs in violation of the Eighth Amendment. Docs. 13, 15, 16. Plaintiff gave notice to the Court of his willingness to proceed on the cognizable claims found in the original complaint. Doc. 14.

On January 20, 2011, the Court ordered the United States Marshal to re-attempt service on Defendant Dill. Doc. 46. On March 15, 2011, the three served defendants (Keldgord, Hedgpeth and Lopez) filed a motion for summary judgment. Doc. 47. On May 16, 2011, Defendant Dill answered Plaintiff's civil rights complaint and the same attorney for the initial defendants was added to represent Defendant Dill. Doc. 54. As a discovery and scheduling order had not been issued to Defendant Dill, the Court requested that the attorney for the Defendants file a status report indicating

1 how much time is needed for Defendant Dill with respect to deadlines for discovery and whether  
2 Defendants wish to withdraw and refile the motion for summary judgment to include Defendant Dill.  
3 Doc. 57.

4 On December 12, 2012, Defendants filed a response requesting to withdraw the pending  
5 motion for summary judgment and to amend the scheduling order to extend discovery and  
6 dispositive deadlines. The Court grants Defendants' request to withdraw their motion for summary  
7 judgment and the scheduling order is now amended as follows:

- 8 1. The parties are advised that the deadline for the completion of all discovery, including  
9 filing motions to compel, shall be 04/02/2012;
- 10 2. The deadline for filing pre-trial dispositive motions shall be 05/02/2012;<sup>1</sup>
- 11 3. **A request for an extension of a deadline set in this order must be filed on or before**  
12 **the expiration of the deadline in question; and**
- 13 4. **Extensions of time will only be granted on a showing of good cause.**

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15 IT IS SO ORDERED.

16 Dated: December 14, 2011

  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> The pre-trial dispositive motion deadline does not apply to the filing of unenumerated Rule 12(b) motions to dismiss for failure to exhaust. Unenumerated Rule 12(b) motions for failure to exhaust must be filed on or before the deadline separately set forth in the previous scheduling order.