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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LOUIS BRANCH,

Plaintiff,

vs.

N. GRANNIS, et al.,

Defendants.

1:08-cv-01655-AWI-GSA-PC

ORDER GRANTING PLAINTIFF'S  
MOTION  
(Doc. 118.)

ORDER EXTENDING APPLICATION OF  
DISCOVERY/SCHEDULING ORDER OF  
OCTOBER 21, 2013, TO DEFENDANTS  
SZALAI AND ALVAREZ  
(Doc. 109.)

Deadline to Amend Pleadings- 04/21/2014  
Discovery Cut-Off Date- 06/21/2014  
Dispositive Motion Deadline- 09/02/2014

FORTY-FIVE DAY DEADLINE FOR  
PLAINTIFF TO RESPOND TO  
DEFENDANT SZALAI AND ALVAREZ'  
DISCOVERY REQUESTS

**I. BACKGROUND**

Louis Branch ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on July 7, 2008. (Doc. 1.) This action now proceeds on the Third Amended Complaint, filed by Plaintiff on July 10, 2013, against defendants Umphenour, Szalai, and Alvarez for deliberate indifference to a serious risk to Plaintiff's safety in violation of the Eighth Amendment, and against defendant Umphenour for retaliation in violation of the First Amendment. (Doc. 94.)

1 On February 18, 2014, Plaintiff filed a motion for the court to issue a scheduling order  
2 applicable to defendants Szalai and Alvarez. (Doc. 118.)

3 **II. PLAINTIFF'S MOTION**

4 Plaintiff requests a discovery/scheduling order applicable to defendants Szalai and  
5 Alvarez. Plaintiff notes that on October 16, 2013, defendant Umphenour filed an Answer to  
6 Plaintiff's complaint, and on October 21, 2013, the court issued a Discovery/Scheduling Order  
7 applicable to defendant Umphenour. (Docs. 107, 109.) Then, on December 3, 2013,  
8 defendants Szalai and Alvarez filed an Answer to the complaint, but the court has not issued a  
9 new discovery/scheduling order applicable to defendants Szalai and Alvarez. (Doc. 116.)

10 Plaintiff asserts that on November 14, 2013, defendants Szalai and Alvarez  
11 inappropriately served discovery requests upon Plaintiff before filing their Answer. Plaintiff  
12 seeks guidance by the court, before responding to the requests, as to the appropriateness of  
13 defendants Szalai and Alvarez' discovery requests at this stage of the proceedings.

14 Good cause appearing, Plaintiff's motion shall be granted, and the court shall extend the  
15 application of the court's October 21, 2013 Discovery/Scheduling order to defendants Szalai  
16 and Alvarez. The parties are reminded that any requests for extensions of the deadlines set in  
17 the order must be filed prior to the expiration of the deadlines in question.

18 **III. CONCLUSION**

19 Based on the foregoing, IT IS HEREBY ORDERED that:

- 20 1. Plaintiff's motion filed on February 18, 2014, is GRANTED;
- 21 2. The court's Discovery/Scheduling Order of October 21, 2013, is now applicable  
22 to all of the defendants to this action: Szalai, Alvarez, and Umphenour;
- 23 3. The deadline to amend pleadings is April 21, 2014;
- 24 4. The deadline for completion of discovery, including the filing of motions to  
25 compel, is June 21, 2014;
- 26 5. The deadline for the parties to file pretrial dispositive motions is September 2,  
27 2014; and

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