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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EVERETT GALINDO GONZALEZ,
Plaintiff,
v.
DERRAL G. ADAMS, et al.,
Defendants.

Case No. 1:09-cv-01284-AWI-SKO (PC)

ORDER GRANTING DEFENDANTS’
MOTION TO MODIFY SCHEDULING
ORDER AND STAYING SCHEDULING
ORDER PENDING RESOLUTION OF
MOTION FOR JUDGMENT ON THE
PLEADINGS

(Doc. 85)

Plaintiff Everett Galindo Gonzalez, a state prisoner proceeding pro se and in forma pauperis, filed in this civil rights action pursuant to 42 U.S.C. § 1983 on July 23, 2009. Following the decision by the United States Court of Appeals for the Ninth Circuit on March 19, 2015, this action for damages is proceeding on Plaintiff’s third amended complaint, limited to Plaintiff’s due process claim arising out of his 2007 re-validation. On August 7, 2015, Defendants Espinosa, Fisher, Lunez, Rodriguez, Roman, and Ruff filed a motion seeking to modify the scheduling order pending resolution of their motion for judgment on the pleadings, filed on July 22, 2015.¹ Plaintiff did not file a response to the motion.

The Court finds good cause to stay the scheduling order pending resolution of Defendants’ motion for judgment on the pleadings, particularly given both the parties’ disagreement over the

¹ Defendants’ motion for judgment on the pleadings has been submitted on the record. Local Rule 230(l). As the parties are likely aware, the Eastern District of California carries one of the heaviest caseloads in the country, and the Court will reach Defendants’ motion in due course.

1 claims for relief that survived following resolution of Plaintiff's appeal and resource conservation
2 considerations. Fed. R. Civ. P. 16(b)(4). Accordingly, Defendants' motion for modify the
3 scheduling order is HEREBY GRANTED and the scheduling order is STAYED pending
4 resolution of Defendants' motion for judgment on the pleadings.

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6 IT IS SO ORDERED.

7 Dated: October 20, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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