

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BILAL AHDOM,)	1:09-cv-1874-AWI-BAM (PC)
)	
Plaintiff,)	ORDER VACATING THE SCHEDULING
)	ORDER (ECF No. 39)
v.)	
)	ORDER DENYING DEFENDANT
S. LOPEZ, et al.,)	ASHBY'S EX PARTE APPLICATION TO
)	VACATE DEADLINES IN
Defendants.)	DISCOVERY/SCHEDULING ORDER AS
)	MOOT (ECF No. 66)
)	

On July 23, 2012, the Court issued a discovery and scheduling order, which set the deadline to complete all discovery as March 23, 2013, and the deadline to file dispositive motions as June 3, 2013. (ECF No. 39)

On November 8, 2012, Defendant Ashby filed a motion to dismiss. (ECF No. 53.) Thereafter, on March 22, 2013, during pendency of the motion to dismiss, Defendant Ashby filed an ex parte application to vacate the remaining discovery deadlines until the Court ruled on his motion to dismiss. (ECF No. 66.) Defendant Ashby indicated that he had not undertaken any discovery while his motion was pending, and noted that the discovery deadline was set to expire the next day.

Subsequently, on April 2, 2013, the undersigned issued findings and recommendations that Defendant Ashby's motion to dismiss be granted and that Plaintiff be given leave to file an

1 amended complaint. (ECF No. 69.) The time period for filing objections to the findings and
2 recommendations remains open and the motion to dismiss has not been resolved.

3 Given the pending motion to dismiss, the Court finds it appropriate to vacate the
4 discovery cut-off date and the dispositive motion deadline in the July 23, 2012 scheduling order.
5 Once the motion to dismiss has been resolved and the complaint has been finalized, the Court
6 will issue an amended discovery and scheduling order for the completion of discovery and the
7 filing of dispositive motions.

8 Accordingly, it is HEREBY ORDERED as follows:

- 9 1. The discovery cut-off date and dispositive motion deadline set forth in the July 23,
10 2012, scheduling order are VACATED;
- 11 2. Defendant Ashby's ex parte application to vacate the discovery deadline and
12 dispositive motion deadline is DENIED AS MOOT.

13
14
15 IT IS SO ORDERED.

16 Dated: April 3, 2013

/s/ Barbara A. McAuliffe
17 UNITED STATES MAGISTRATE JUDGE