UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

CURTIS RENEE JACKSON,) Case No.: 1:11-cv-00080-LJO-BAM PC
Plaintiff, v.) ORDER GRANTING PLAINTIFF'S MOTION FOR 30-DAY EXTENSION OF TIME TO RESPOND TO CLAIMS NUNC PRO TUNC (ECF No. 94.)
Y. A. YATES, et al., Defendants.	 ORDER GRANTING PLAINTIFF'S MOTION FOR EXTENSION OF DISCOVERY DEADLINE (ECF No. 97)
	ORDER DENYING DEFENDANTS' MOTION TO EXTEND THE DISPOSITIVE MOTION DEADLINE AS MOOT (ECF No. 98)

I. Background

Plaintiff Curtis Renee Jackson ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff's second amended complaint, filed on May 7, 2012, against Defendant Mendez for excessive force in violation of the Eighth Amendment; and against Defendants Daley, Samonte, Nichols, Valdez and Gonzales for failure to intervene in violation of the Eighth Amendment.

On July 22, 2013, Plaintiff filed a motion for an order compelling discovery from Defendant Mendez. (ECF No. 81.) On August 5, 2013, Defendant Mendez filed an opposition, arguing that Plaintiff's motion should be denied because he failed to attach Defendant's discovery responses or

address Defendant's objections. (ECF No. 82.) On August 23, 2013, Plaintiff filed a motion requesting a sixty (60) day extension of time to respond to Defendant Mendez's opposition. (ECF No. 87.) On August 29, 2013, the Court granted Plaintiff thirty days to file a reply to Defendant Mendez's opposition. (ECF No. 88.)

On September 6, 2013, the Court granted Plaintiff's unopposed motions for an extension of the discovery deadline for the limited purpose of resolving Plaintiff's pending discovery motions and allowing Plaintiff to file any motions to compel related to discovery requested from Defendants Nichols, Gonzales and Mendez. The Court set the deadline to complete such discovery as October 25, 2013, and the deadline to file dispositive motions as January 6, 2014. (ECF No. 92.)

Following issuance of that order, on September 25, 203, Plaintiff requested an extension of time to respond to Defendant Mendez's opposition to the pending motion to compel. (ECF No. 94.) Thereafter, on October 29, 2013, Plaintiff filed his reply. (ECF No. 95.)

On November 22, 2013, Plaintiff filed a motion requesting a sixty-day extension of the discovery deadlines in this matter related to discovery requested from Defendant Gonzales. (ECF No. 97.) Defendants did not file an opposition or statement of non-opposition.

On January 6, 2014, Defendants filed a motion to modify the dispositive motion deadline to January 20, 2014. (ECF No. 98.)

II. Discussion

As noted above, Plaintiff requested an extension of time to file his reply to Defendant Mendez's opposition. (ECF No. 94.) Thereafter, on October 29, 2013, Plaintiff filed his reply. (ECF No. 95.) The requested extension and subsequent reply will not result in prejudice to defendants. Accordingly, Plaintiff's request for an extension of time to file his reply shall be granted nunc pro tunc. No further action is required and the Court will address the pending motions for sanctions and motion to compel in due course.

Given the pending motions, the Court finds good cause to grant Plaintiff's requested extension of the discovery deadline in this action, along with the dispositive motion deadline. The extension of the discovery deadline is for the limited purpose of resolving Plaintiff's pending discovery motions and allowing Plaintiff to file any motions to compel related to discovery requested from Defendant

1 Gonzales. The deadline to complete such discovery shall be extended to February 25, 2014. The corresponding deadline to file dispositive motions shall be extended to April 25, 2014. 2 Based on the Court's extension of both the discovery and the dispositive motion deadlines, 3 Defendants' motion requesting modification of the dispositive motion deadline is no longer necessary 4 5 and shall be denied as moot. III. **Conclusion and Order** 6 For the reasons stated, IT IS HEREBY ORDERED as follows: 7 1. Plaintiff's motion for a thirty-day extension of time to reply to Defendant Mendez's 8 opposition, filed on September 25, 2013, is GRANTED NUNC PRO TUNC. As Plaintiff 9 has filed his reply, no further action is necessary or required; 10 2. Plaintiff's motion for an extension of the discovery deadline is GRANTED. The extension 11 12 of the discovery deadline is for the limited purpose of resolving Plaintiff's pending discovery motions and allowing Plaintiff to file any motion to compel related to discovery 13 requested from Defendant Gonzales; 14 3. The deadline to complete such discovery is extended to February 25, 2014; 15 16 4. The deadline to file dispositive motions is extended to April 25, 2014; and 5. Defendants' motion requesting modification of the dispositive motion deadline to January 17 20, 2014, is DENIED as moot. 18 19 20 IT IS SO ORDERED. 21 /s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE Dated: **January 13, 2014** 22 23 24 25 26

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