

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
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANDREW W. MARTIN,
Plaintiff,
v.
F. CHAVEZ, et al.,
Defendants.

Case No. 1:11-cv-01461 AWIDLB PC
ORDER DENYING DEFENDANT’S
MOTION FOR SUMMARY JUDGMENT
WITH LEAVE TO RENOTICE OR REFILE
[ECF No. 54]

Plaintiff Andrew W. Martin is a prisoner proceeding pro se and in forma pauperis in this civil rights action. Plaintiff is proceeding on her First Amended Complaint filed September 6, 2012.¹

On January 29, 2014, Defendants filed a motion for summary judgment. On July 10, 2014, the Court granted Plaintiff’s motion to compel production of documents in part, and stayed Defendants’ motion for summary judgment pending the resolution of discovery matters. Given that discovery matters remain ongoing, for the Court’s administrative purposes only,² the Court finds it appropriate to DISMISS WITHOUT PREJUDICE Defendants’ Motion for Summary

¹ Plaintiff is a male to female transgender inmate. On December 17, 2013, the Court granted Plaintiff’s motion for reconsideration for referring to Plaintiff with the feminine pronoun.

² The Court emphasizes that this Order is not a ruling on the merits of Defendants’ motion.

1 Judgment and GRANT LEAVE TO REFILE OR RENOTICE once discovery has concluded.

2

3 IT IS SO ORDERED.

4

Dated: September 25, 2014

/s/ Dennis L. Beck

UNITED STATES MAGISTRATE JUDGE

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28