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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

MARCUS R. WILLIAMS,  
Plaintiff,

v.

KELLY HARRINGTON, et al.,  
Defendants.

Case No. 1:12-cv-00226 LJO DLB PC  
ORDER LIFTING STAY OF MOTION FOR  
SUMMARY JUDGMENT  
[ECF No. 58]  
ORDER GRANTING DEFENDANTS  
LEAVE TO FILE SUPPLEMENT OR  
AMENDED MOTION FOR SUMMARY  
JUDGMENT  
[SIXTY-DAY DEADLINE]

Plaintiff Marcus R. Williams is a prisoner proceeding pro se and in forma pauperis in this civil rights action.

Plaintiff is proceeding on his Complaint filed February 17, 2012. The Court screened the Complaint and found that it stated a cognizable claim for relief under 42 U.S.C. § 1983 against Defendants S. Rios and S. Stewart for excessive force in violation of the Eighth Amendment, Defendants D. Jayvinder and M. Stewart for deliberate indifference to a serious medical need in violation of the Eighth Amendment, and Defendants M.D. Biter, D. Page, Kelly Harrington, and M. Cabrera for deliberate indifference to conditions of confinement in violation of the Eighth Amendment. The summons and complaint were thereafter served on Defendants. On October 16, 2013, Defendants Biter, Carrera, Harrington, Page, Rios, and S. Stewart filed an answer to the Complaint. On October 18, 2013, a discovery and scheduling order was issued. The

1 discovery cut-off date was set for March 17, 2014, and the dispositive motion deadline was set  
2 for May 16, 2014.

3 On May 22, 2014, Defendants filed a motion for summary judgment. Subsequently, the  
4 U.S. Marshal served Defendant M. Stewart, and Defendant Stewart filed an answer on October  
5 28, 2014. In light of certain outstanding discovery issues at the time, and the fact that Defendant  
6 M. Stewart had just been served, on October 24, 2014, the motion for summary judgment was  
7 stayed. On July 17, 2015, the Court resolved the last discovery dispute.

8 Accordingly, IT IS HEREBY ORDERED:

- 9 1) The stay of Defendants' motion for summary judgment is LIFTED;
- 10 2) Defendants are GRANTED sixty (60) days from the date of service of this order to  
11 supplement or amend their motion for summary judgment;
- 12 3) Plaintiff is GRANTED thirty (30) days from the date of service of Defendants'  
13 supplement or amended motion for summary judgment to file an opposition; and
- 14 4) Defendants MAY FILE a reply to opposition, if any, within fourteen (14) days from  
15 the date of service of Plaintiff's opposition.

16  
17 IT IS SO ORDERED.

18 Dated: October 5, 2015

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE