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

LEWIS PERRY,

Plaintiff,

v.

JOHN GARCIA, et al.,

Defendants.

Case No. 1:12-cv-00312-AWI-SKO (PC)

ORDER LIFTING STAY, AMENDING  
SCHEDULING ORDER, AND DIRECTING  
CLERK'S OFFICE TO SEND COPIES

(Docs. 27 and 34-37)

Exhaustion Motion Deadline: 11/13/2014  
Amended Pleadings Deadline: 01/13/2015  
Discovery Deadline: 03/13/2015  
Pretrial Dispositive Motion Deadline: 05/13/2015

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Plaintiff Lewis Perry, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on February 21, 2012. This action for damages is proceeding on Plaintiff's second amended complaint against Defendant Nguyen for violation of the Eighth Amendment.

Defendant filed an answer on January 21, 2014, and the Court issued a scheduling order on February 3, 2014. On February 18, 2014, Plaintiff filed a motion to stay the scheduling order based on his hospitalization and Defendant filed a statement of non-opposition on February 19, 2014. On March 12, 2014, the Court issued an order staying the scheduling order and requiring Defendant to file a status report on or before June 11, 2014. Defendant filed a status report on June 3, 2014, and Plaintiff filed a response on June 19, 2014.

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1 While the parties present differing accounts regarding Plaintiff's access to his legal  
2 material during and after the period of his hospitalization, Plaintiff attests that he is ready to begin  
3 discovery. (Doc. 37, Perry Dec., ¶9.) Based on Plaintiff's representation that his legal material  
4 was lost, the Court will direct the Clerk's Office to send him a copy of the docket and a copy of  
5 the discovery and scheduling order filed on February 3, 2014.

6 Accordingly, the Court HEREBY ORDERS that:

- 7 1. The stay imposed on March 12, 2014, is lifted;
- 8 2. The discovery and scheduling order filed on February 3, 2014, is amended as  
9 follows:

- 10 a. The deadline for filing a motion to dismiss or for summary judgment for  
11 failure to exhaust administrative remedies is November 13, 2014;<sup>1</sup>

- 12 b. The deadline for amending the pleadings is January 13, 2015;

- 13 c. The deadline for the completion of all discovery, including filing motions to  
14 compel, is March 13, 2015; and

- 15 d. The deadline for filing pretrial dispositive motions is May 13, 2015; and

- 16 3. The Clerk's Office shall send Plaintiff a copy of the docket and a copy of the  
17 discovery and scheduling order filed on February 3, 2014.

18 IT IS SO ORDERED.

19 Dated: September 10, 2014

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> *Albino v. Baca*, 747 F.3d 1162, 1168-72 (9th Cir. 2014).