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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HORACE MANN WILLIAMS,)	1:12-cv-00730-LJO-DLB PC
)	
Plaintiff,)	ORDER DIRECTING DEFENDANTS TO
)	FILE AN ANSWER WITHIN THIRTY
vs.)	DAYS
)	
MATTHEW CATE, et al.,)	ORDER GRANTING PLAINTIFF'S
)	MOTION TO POSTPONE SUMMARY
Defendants.)	JUDGEMENT AND OPENING
)	DISCOVERY LIMITED TO THE
)	EXHAUSTION ISSUE
)	
)	(ECF No. 40)

Plaintiff Horace Mann Williams (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on May 4, 2012.

On April 16, 2014, the Court issued an order converting Defendants’ unenumerated 12(b) motion to dismiss based on exhaustion to a motion for summary judgment in light of the Ninth Circuit ruling in *Albino v. Baca*, No. 10-55702, 2014 WL 1317141, at *1 (9th Cir. Apr. 3, 2014) (en banc). (ECF No. 37.) In that order, the Court directed the parties to notify the Court whether

1 additional discovery is needed. On May 19, 2014, Plaintiff filed a motion to postpone the
2 motion for summary judgment in order to open discovery. (ECF No. 40.)

3 Accordingly, it is HEREBY ORDERED that:

4 1. Defendants shall file an answer to the complaint within thirty (30) days from the
5 date of service of this order; and

6 2. Discovery is opened for **sixty (60) days** from the date of service of this order and
7 is limited to the issue of exhaustion of administrative remedies.

8 a. Written discovery must be served at least **thirty (30)** days prior to the
9 close of discovery. Responses must be served **seven (7)** days after service of the discovery
10 request. Fed. R. Civ. P. 33(b)(2), 34(b)(2)(A). Motions to compel must be filed on or before
11 **sixty (60) days** from the date of service of this order.

12 b. In objecting to discovery requests, Defendant(s) should state their
13 objections in plain language that a pro se party will likely understand. The meet and confer
14 requirement set forth in Federal Rule of Civil Procedure 37(a)(1) and Local Rule 251(b) is
15 waived. Voluntary compliance is encouraged, however.

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18 IT IS SO ORDERED.

19 Dated: August 10, 2014

20 /s/ Dennis L. Beck
21 UNITED STATES MAGISTRATE JUDGE
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