1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 RAFAEL GUZMAN, Case No. 1:12-cv-00828-LJO-SAB 12 Plaintiff, ORDER GRANTING DEFENDANTS' MOTION TO MODIFY DISCOVERY AND 13 SCHEDULING ORDER AND DENYING v. REQUEST TO STAY DISCOVERY AND 14 JOHN MARSHALL, et al., EXTEND DISCOVERY DEADLINE 15 Defendants. (ECF No. 26) 16 Plaintiff Rafael Guzman is appearing pro se and in forma pauperis in this civil rights 17 action pursuant to 42 U.S.C. § 1983. 18 On August 19, 2014, Defendants filed a motion to modify the discovery and scheduling 19 order. 20 On May 19, 2014, the Court issued a discovery and scheduling order, setting August 19, 21 2014, as the last day to file a motion for summary judgment for failure to exhaust. Further, the 22 discovery and scheduling order set January 19, 2015, as the last day to serve discovery requests. 23 Defendants indicate that based upon their review of the case, it has become apparent that 24 a motion for summary judgment for failure to exhaust is appropriate. Defendants further request 25 that the court stay discovery until after resolution of a motion for summary judgment for failure 26 to exhaust. The Court will grant in part and deny in part Defendants' request. 27

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Dated: August 20, 2014

IT IS SO ORDERED.

Although Defendants have shown good cause for extending the deadline to file a motion for summary judgment for failure to exhaust, at this juncture, the Court does not find good cause to stay discovery until after resolution of a motion for summary judgment for failure to exhaust, and Defendants' request to stay discovery is DENIED without prejudice as discovery may be necessary if a motion for summary judgment on exhaustion is filed.

Upon the basis of good cause, Defendants are granted an extension of time of thirty days, to and including September 19, 2014, to file their motion for summary judgment for failure to exhaust.

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UNITED STATES MAGISTRATE JUDGE