1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 LORENZO FOSSELMAN, JR. Case No.: 1:12-cv-01302-DAD-SAB (PC) 12 Plaintiff, ORDER GRANTING PLAINTIFF'S REQUEST FOR EXTENSION OF TIME TO FILE AN 13 v. OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT 14 D. DIMMER, et al., [ECF No. 34] 15 Defendants. 16 Plaintiff Lorenzo Fosselman, Jr. is appearing pro se in this civil rights action pursuant to 42 17 U.S.C. § 1983. 18 Now pending before the Court is Plaintiff's motion for an extension of time to conduct 19 20 discovery prior to ruling on Defendants' motion for summary judgment, filed November 12, 2015. 21 This action is proceeding on Plaintiff's Eighth Amendment claim against Defendant Johnson and on Plaintiff's First Amendment retaliation claim against Defendant Dimmer. 22 23 On July 31, 2015, Defendants Johnson and Dimmer filed an answer to the operative complaint. 24 On August 3, 2015, the Court issued the discovery and scheduling order. (ECF No. 34.) The deadline for completion of all discovery is April 3, 2016. (Id.) 25 26 On November 2, 2015, Defendants filed a motion for summary judgment relating to exhaustion 27 of the administrative remedies. (ECF No. 38.)

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In his present request for a continuance, Plaintiff submits that on September 21, 2015, he served Defendants with requests Production of Document and Admissions, and Plaintiff is in need of the discovery responses in order to properly address Defendants' pending motion for summary judgment. The Court will grant Plaintiff an extension of time to file an opposition to Defendants' motion for summary judgment; however, the Court need not extend the discovery deadline as it has not yet expired.

Good cause having been presented to the Court, it is HEREBY ORDERED that Plaintiff is granted thirty (30) days from the date of service of this order to file an opposition to Defendants' motion for summary judgment.

IT IS SO ORDERED.

Dated: **January 5, 2016**

UNITED STATES MAGISTRATE JUDGE