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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BRYAN D. DENTON,
Plaintiff,

vs.

PULIDO, et al.,
Defendants.

) Case No. 1:13-cv-00017-AWI-BAM PC
)
) ORDER DENYING PLAINTIFF’S MOTION
) TO STAY WITHOUT PREJUDICE
)
) (ECF No. 37)
)
)
) **Discovery Deadline: June 29, 2015**
) **Dispositive Motion Deadline: September 1,**
) **2014**
)
)
)

Plaintiff Bryan D. Denton (“Plaintiff”) is a former county jail inmate proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action currently proceeds on Plaintiff’s first amended complaint, filed on January 2, 2014, against Defendant Pulido for excessive force in violation of the Fourteenth Amendment. Defendant Pulido answered the amended complaint on April 25, 2014.

On April 29, 2014, the Court issued a Discovery and Scheduling Order. (ECF No. 22.) Pursuant to that order, the deadline to complete discovery is December 29, 2014, and the deadline to file dispositive motions is March 9, 2015. All other deadlines have passed.

On November 5, 2014, Plaintiff filed the instant motion requesting that this action be held in abeyance until May 2015. Plaintiff explains that he was transferred to a prison in Tracy, California on September 24, 2014, and will remain there for approximately 4 to 6 months. His legal papers were taken from him on October 16, 2014, and he receives law library access for only one hour each month. (ECF No. 37.)

1 On December 3, 2014, the Court directed Defendant Pulido to file an opposition or a
2 statement of non-opposition to the motion within twenty-one days. (ECF No. 38.)

3 On December 9, 2014, Defendant Pulido filed a statement of non-opposition to Plaintiff's
4 motion for stay of this action. Defendant Pulido requests that the Court extend the deadlines for
5 discovery and dispositive motions consistent with a stay of this action to May 2015.

6 At this juncture, the Court does not find a stay of this action appropriate. There is no
7 indication that Plaintiff is unable to pursue factual discovery with limited law library access or in
8 the absence of his legal papers. Nonetheless, the Court finds good cause to extend the relevant
9 Discovery and Scheduling Order deadlines for 180 days to accommodate Plaintiff's transfer, lack
10 of materials and limited law library access. Fed. R. Civ. P. 16(b)(4). As necessary and
11 appropriate, the parties may seek modification of these dates upon a showing of good cause.

12 Accordingly, it is HEREBY ORDERED that:

- 13 1. Plaintiff's motion for stay, filed on November 5, 2014, is DENIED without prejudice;
- 14 2. The relevant discovery and dispositive motion deadlines in the Discovery and
15 Scheduling Order issued on April 29, 2014, shall be extended one-hundred fifty (180)
16 days;
- 17 3. The deadline to complete discovery, including filing motions to compel discovery, is
18 extended from December 29, 2014, to June 29, 2015;
- 19 4. The deadline to file dispositive motions (other than a motion for summary judgment
20 for failure to exhaust) is extended from March 9, 2015, to September 1, 2015; and
- 21 5. A request for an extension of a deadline set in this order must be filed on or before the
22 expiration of the deadline in question and will only be granted upon a showing of
23 good cause.

24
25 IT IS SO ORDERED.

26 Dated: December 10, 2014

27 /s/ Barbara A. McAuliffe
28 UNITED STATES MAGISTRATE JUDGE