

1 15, 2016, and June 17, 2016, were untimely, and ordered Defendants to file a status report
2 concerning the status of Plaintiff's November 20, 2015, discovery request. (ECF No. 56).

3 Defendants filed their status report on August 11, 2016. (ECF No. 60). According to
4 Defendants, they never received the November 20, 2015, discovery request. Defendants point out
5 that Plaintiff failed to mention the November 20, 2015, discovery request in his motion to modify
6 the discovery and scheduling order or in his previous request to extend his deadline to respond to
7 Defendants' summary judgment motion. Defendants also point out that the November 20, 2015,
8 discovery request was also untimely because the discovery cutoff was December 8, 2015, and all
9 written discovery requests were required to have been served thirty days prior to the close of
10 discovery.

11 On September 26, 2016, Plaintiff filed this motion to stay proceedings pending outcome
12 of discovery. Plaintiff asks the Court to deny the motion for summary judgment or to stay the
13 proceedings so that he can obtain discovery from Defendants. The reason for Plaintiff's request
14 is that Defendants failed to respond to Plaintiff's discovery requests.

15 The Court will not deny the motion for summary judgment at this time on the basis of the
16 discovery issue. Additionally, the Court will not stay the proceedings. Plaintiff has already
17 requested numerous extensions of time, which were granted. Additionally, it appears that
18 Plaintiff failed to bring up Defendants' alleged failure to respond to the November 20, 2015,
19 discovery request until approximately July of 2016. Plaintiff had numerous opportunities to bring
20 this alleged failure to the Court's attention, but did not. In any event, it appears that Plaintiff's
21 discovery request was untimely. The discovery cutoff was December 8, 2015, and all written
22 discovery requests were required to have been served thirty days prior to the close of discovery.

23 Therefore, the Court will not stay the proceedings. The Court will, however, grant
24 Plaintiff twenty (20) days to respond to Defendants' motion for summary judgment. While
25 Plaintiff states that he cannot oppose the motion without discovery, the Court notes that he can
26 rely on his own affidavit in opposition to the motion.

27 Accordingly, **IT IS ORDERED** that Plaintiff's motion to stay proceedings pending
28 outcome of discovery is **DENIED**.

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IT IS FURTHER ORDERED that Plaintiff is granted twenty (20) days from the date of this order to file a response to Defendants' motion for summary judgment, which was filed on April 21, 2016.

IT IS SO ORDERED.

Dated: September 30, 2016

/s/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE