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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VINCENT JOHNSON,
Plaintiff,

v.

MOLINA, et al.,
Defendants.

Case No. 1:13-cv-00647 LJO DLB PC
ORDER GRANTING DEFENDANTS’
REQUEST FOR EXTENSION OF
DISCOVERY DEADLINE AND
DISPOSITIVE MOTION DEADLINE

(Document 40)

Plaintiff Vincent Johnson (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on May 3, 2013. The action is proceeding against Defendants Molina, Aguinaga, Hernandez and Ramirez for excessive force in violation of the Eighth Amendment.

The action is currently in discovery, with a discovery deadline of September 22, 2014.

On June 30, 2014, Defendants filed a motion for summary judgment based on exhaustion.

The motion is pending.

On August 21, 2014, Defendants filed a request to extend the discovery deadline to sixty days after a decision is rendered on the motion for summary judgment.¹

A scheduling order “may be modified only for good cause,” and by leave of court. Fed. R. Civ. P. 16(b)(4). Here, the Court finds good cause to extend the discovery deadline to permit the parties additional time for discovery after a ruling, should the action survive the exhaustion challenge.

¹ On July 3, 2014, the Court denied Defendants’ request for a stay of discovery. Defendants’ motion for reconsideration was denied on July 22, 2014.

