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| 5        | UNITED STATES DISTRICT COURT  |  |  |
| 6        | EASTERN DISTRICT OF CALIFORNIA  |  |  |
| 7        |   |  |  |
| 8        | VINCENT JOHNSON,  | Case No. 1:13-cv-00647 LJO DLB PC                      |  |
| 9        | Plaintiff,  | ORDER GRANTING DEFENDANTS'<br>REQUEST FOR EXTENSION OF |  |
| 10       | v.  | DISCOVERY DEADLINE AND                                 |  |
| 11       | MOLINA, et al.,   | DISPOSITIVE MOTION DEADLINE                            |  |
| 12       | Defendants.   | (Document 40)  |  |
| 13       |   |  |  |
| 14       | Plaintiff Vincent Johnson ("Plaintiff"), a state prisoner proceeding pro se and in forma  |  |  |
| 15       | pauperis, filed this civil rights action on May 3, 2013. The action is proceeding against Defendants  |  |  |
| 16       | Molina, Aguinaga, Hernandez and Ramirez for excessive force in violation of the Eighth  |  |  |
| 17<br>18 | Amendment.  |  |  |
| 18<br>19 | The action is currently in discovery, with a discovery deadline of September 22, 2014.  |  |  |
| 20       | On June 30, 2014, Defendants filed a motion for summary judgment based on exhaustion.   |  |  |
| 20       | The motion is pending.  |  |  |
| 22       | On August 21, 2014, Defendants filed a request to extend the discovery deadline to sixty  |  |  |
| 23       | days after a decision is rendered on the motion for summary judgment. <sup>1</sup>  |  |  |
| 24       | A scheduling order "may be modified only for good cause," and by leave of court. Fed. R.  |  |  |
| 25       | Civ. P. 16(b)(4). Here, the Court finds good cause to extend the discovery deadline to permit the   |  |  |
| 26       | parties additional time for discovery after a ruling, should the action survive the exhaustion  |  |  |
| 27       | challenge.  |  |  |
| 28       | <sup>1</sup> On July 3, 2014, the Court denied Defendants' request for a stay of discovery. Defendants' motion for reconsideration was denied on July 22, 2014. |  |  |

<sup>1</sup> 

| 1  | Accordingly, the Court extends the discovery deadline to sixty days after a ruling on the     |  |
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| 2  | motion for summary judgment. The Court further extends the dispositive motion deadline to 120 |  |
| 3  | days after the ruling on summary judgment. This order does not stay discovery.                |  |
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| 5  | IT IS SO ORDERED.   |  |
| 6  | Dated: August 25, 2014 /s/ Dennis L. Beck   |  |
| 7  | UNITED STATES MAGISTRATE JUDGE  |  |
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