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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL J. PAYAN,)	1:13cv00807 LJO DLB PC
)	
Plaintiff,)	ORDER REGARDING PLAINTIFF'S
)	MOTION FOR INSTRUCTION, COUNSEL
vs.)	AND ADDITIONAL TIME
)	(Document 73)
H. TATE, et al.,)	
)	
Defendants.)	

Plaintiff Michael J. Payan (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on May 28, 2013. This action is proceeding on the following cognizable claims: (1) retaliation in violation of the First Amendment by Defendants Bingamon, Tate and Vu; and (2) deliberate indifference to a serious medical need in violation of the Eighth Amendment against Defendants Bingamon, Tate, Vu, Sheisha and Joaquin.

The action is currently in discovery.

On May 19, 2015, Defendants filed a timely motion for summary judgment based on exhaustion. The motion is pending.

On June 3, 2015, the Court stayed merits-based discovery pending the outcome of the motion for summary judgment.

1 On June 22, 2015, Plaintiff filed a motion to amend his complaint. The motion is
2 pending.

3 On July 31, 2015, Plaintiff filed a motion in which he asks for the Court's "instruction"
4 regarding the two pending motions.

5 The Court has reviewed the docket and it appears that both motions are fully briefed and
6 are ready for decision. Plaintiff has specifically responded to Defendants' argument that his
7 claims are unexhausted and the Court needs no further information at this time. It will rule on
8 the motions in due course.

9 Plaintiff's related request for counsel and additional time are DENIED.

10
11 IT IS SO ORDERED.

12
13 Dated: August 17, 2015

/s/ Dennis L. Beck
14 UNITED STATES MAGISTRATE JUDGE