1 2 3 4 UNITED STATES DISTRICT COURT 5 EASTERN DISTRICT OF CALIFORNIA 6 7 8 ANTHONY MARQUEZ, Case No. 1:13-cv-01401 LJO DLB PC 9 Plaintiff, ORDER REGARDING DEFENDANTS' REQUEST TO VACATE DEADLINES 10 v. (Document 20) 11 I. QUINTERO, et al., 12 Defendants. 13 Plaintiff Anthony Marquez ("Plaintiff"), a state prisoner proceeding pro se and in forma 14 15 pauperis, filed this civil rights action on August 28, 2013. The action is proceeding against 16 Defendants I. Quintero and D. Horban for violation of the Eighth Amendment. 17 The action is currently in discovery, with a discovery deadline of October 31, 2014, and a 18 dispositive motion deadline of December 30, 2014. 19 On June 13, 2014, Defendants filed a motion for summary judgment based on exhaustion. 20 The motion is pending. 21 On September 3, 2014, Defendants filed a request to vacate the discovery and motion 22 deadlines pending resolution of the motion for summary judgment. 23 A scheduling order "may be modified only for good cause," and by leave of court. Fed. R. 24 Civ. P. 16(b)(4). Here, the Court will not vacate all deadlines and essentially stay this action. 25 However, the Court will extend the discovery deadline to permit the parties additional time for 26 discovery after a ruling, should the action survive the exhaustion challenge. 27 28

Accordingly, the Court extends the discovery deadline to sixty days after a ruling on the motion for summary judgment. The Court further extends the dispositive motion deadline to 120 days after the ruling on summary judgment.

This order does not stay discovery. If discovery becomes unduly burdensome, the parties may move for a protective order. Fed. R. Civ. Proc. 26(c)(1).

IT IS SO ORDERED.

Dated: September 10, 2014 /s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE