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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY MARQUEZ,
Plaintiff,
v.
I. QUINTERO, et al.,
Defendants.

Case No. 1:13-cv-01401 LJO DLB PC
ORDER REGARDING DEFENDANTS'
REQUEST TO VACATE DEADLINES
(Document 20)

Plaintiff Anthony Marquez (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on August 28, 2013. The action is proceeding against Defendants I. Quintero and D. Horban for violation of the Eighth Amendment.

The action is currently in discovery, with a discovery deadline of October 31, 2014, and a dispositive motion deadline of December 30, 2014.

On June 13, 2014, Defendants filed a motion for summary judgment based on exhaustion. The motion is pending.

On September 3, 2014, Defendants filed a request to vacate the discovery and motion deadlines pending resolution of the motion for summary judgment.

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 will not vacate all deadlines and essentially stay this action. However, the Court will extend the discovery deadline to permit the parties additional time for discovery after a ruling, should the action survive the exhaustion challenge.

