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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DANA GRAY,  
Plaintiff,  
vs.  
ROMERO, et al.,  
Defendants.

1:13-cv-01473-DAD-GSA-PC  
ORDER DENYING PLAINTIFF’S  
MOTIONS TO EXTEND DISCOVERY  
AND SUPPLEMENT COMPLAINT AS  
PREMATURE, WITHOUT PREJUDICE  
(ECF Nos. 159, 162, 163.)

Dana Gray (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This case now proceeds on Plaintiff’s Fourth Amended Complaint filed on September 21, 2015, against defendants Dr. V. Romero, Dr. A. Comelli, FNP N. Loadholt, Dr. C. Rebel, John Ziomek, DPM, and Dr. V. Mundunuri, on Plaintiff’s medical claim under the Eighth Amendment. (ECF No. 45.) This case is now in the discovery phase.

On April 29, 2016, defendant Rebel filed a motion to dismiss the claims against him as barred by the statute of limitations. (ECF No. 57.) On August 31, 2016, defendants Mundunuri and Ziomek filed a motion for judgment on the pleadings based on Plaintiff’s failure to exhaust administrative remedies. (ECF No. 122.) These two motions are pending.

On January 26, 2017, and February 1, 2017, Plaintiff filed two motions for a ninety-day extension of the discovery deadline, and a motion for leave to supplement the complaint. (ECF

1 Nos. 159, 162, 163.) These motions are premature and shall be denied without prejudice to  
2 renewing them at a later stage of the proceedings. Until a final ruling is made on defendant  
3 Rebel's motion to dismiss and defendants Mundunuri and Ziomek's motion for judgment on  
4 the pleadings, Plaintiff may not amend or supplement the complaint, and Plaintiff's motion to  
5 extend discovery shall not be considered at this time.

6 Therefore, based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motions  
7 to extend the discovery deadline and supplement the complaint, filed on January 26, 2017, and  
8 February 1, 2017, are DENIED as premature, without prejudice.

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10 IT IS SO ORDERED.

11 Dated: February 3, 2017

/s/ Gary S. Austin  
12 UNITED STATES MAGISTRATE JUDGE  
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