

1 1031 (9th Cir. 2012). In this instance, Defendant has not yet been served and had not made an
2 appearance in this action, and the issue of exhaustion of administrative remedies is presently not in
3 dispute. If and when a motion for summary judgment is filed, Plaintiff may submit any evidence to
4 demonstrate exhaustion of the administrative remedies at that time. Accordingly, Plaintiff's motion to
5 submit evidence of the administrative remedies is DENIED, without prejudice.

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IT IS SO ORDERED.

Dated: May 12, 2015



UNITED STATES MAGISTRATE JUDGE