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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JAMES W. MILLNER,)	Case No.: 1:13-cv-02029-SAB (PC)
)	
Plaintiff,)	
)	ORDER EXTENDING DISCOVERY AND
v.)	SCHEDULING ORDER ISSUED MAY 5, 2015,
)	TO DEFENDANT PELAYO
MARTIN BITER, et al.,)	
)	[ECF Nos. 57, 75]
Defendants.)	
)	
)	

Plaintiff James W. Millner is appearing pro se in this civil rights action pursuant to 42 U.S.C. § 1983.

This action is proceeding on Plaintiff’s claim of excessive force against Defendants J. Anderson, D. Rodriguez, and O. Marroquin, a cognizable claim for failure to protect against Defendants W. Sweetser, R. Sulier, Pair, and Pelayo, and a cognizable claim of deliberate indifference to a serious medical need in violation of the Eighth Amendment against Defendants J. Anderson, O. Marroquin, D. Rodriguez, W. Sweetser, R. Sulier, and Pair.

On May 5, 2015, Defendants Marroquin, Sweetser, Pair, Anderson, Sulier, and Rodriguez filed an answer to the complaint. (ECF No. 54.) On this same day, the Court issued the discovery and scheduling order. (ECF No. 57.)

1 On June 23, 2015, Defendants Marroquin, Sweetser, Pair, Anderson, Sulier, and Rodriguez
2 filed a motion for summary on the grounds that Plaintiff failed to exhaust his administrative remedies,
3 along with a request to stay discovery pending a ruling on the exhaustion motion. (ECF Nos. 70, 71.)

4 On July 9, 2015, the Court granted Defendants' request to stay discovery, and all merits-based
5 discovery was stayed pending a ruling on the motion for summary judgment relating to exhaustion of
6 the administrative remedies. (ECF No. 72.)

7 On July 13, 2015, Plaintiff filed a cross-motion for summary judgment on the merits of his
8 claims. (ECF No. 73.) On July 20, 2015, Defendants filed a request to stay briefing on Plaintiff's
9 cross-motion for summary judgment pending a ruling on the exhaustion motion, and the Court granted
10 Defendants' request on July 22, 2015. (ECF Nos. 77, 80.)

11 On July 17, 2015, Defendant Pelayo filed an answer to the complaint. In light of the fact that
12 Defendant Pelayo has now answered the complaint, it is **HEREBY ORDERED** the discovery and
13 scheduling order is extended to Defendant Pelayo.

14
15 IT IS SO ORDERED.

16 Dated: July 22, 2015



UNITED STATES MAGISTRATE JUDGE