1		
2		
3		
4		
5		
6	UNITED STATES DISTRICT COURT	
7	FOR THE EASTERN DISTRICT OF CALIFORNIA	
8		
9	TRACY STEWART,	Case No.: 1:14-cv-00322-DAD-BAM (PC)
10	Plaintiff,	ORDER GRANTING DEFENDANTS'
11	v.	SECOND EX PARTE REQUEST TO MODIFY THE DISCOVERY AND SCHEDULING
12	K. HOLLAND, et al.,	ORDER
13	Defendants.	(Doc. No. 73)
14		
15	Plaintiff Tracy Stewart is a state prisoner who is currently proceeding pro se and in forma	
16	pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.	
17	On October 4, 2017, the Court issued a discovery and scheduling order. (Doc. No. 38.)	
18	Very shortly thereafter, this matter was stayed pending Alternative Dispute Resolution. On	
19	February 8, 2018, the stay was lifted, and the discovery and scheduling order deadlines were	
20	amended. (Doc. No. 54.)	
21	On July 18, 2018, Defendants sought an extension of certain deadlines in the discovery	
22	and scheduling order. (Doc. No. 67.) On July 19, 2018, that order was granted. (Doc. No. 68.)	
23	Currently before the Court is Defendants' second ex parte request to modify the discovery	
24	and scheduling order, filed on September 25, 2018. (Doc. No. 73.) The Court finds that no	
25	response to the motion is necessary, and Plaintiff shall not be prejudiced by consideration of the	
26	motion. Local Rule 230(1).	
27	Defendants seek for the Court to vacate the deadlines for the completion of discovery and	
28	filing any dispositive motions other than a motion for summary judgment for the failure to	
		1

exhaust administrative remedies. Defendants assert that they require the Court's ruling on the pending motion for summary judgment for the failure to exhaust administrative remedies, as that ruling will potentially narrow the issues for Plaintiff's deposition and other discovery, and will allow for a streamlined subsequent summary judgment motion, if any. The Court finds good cause to grant the request, based on Defendants' diligence, efficiency, and judicial economy. Fed. R. Civ. P. 16(b)(4). Accordingly, it is HEREBY ORDERED that: Defendants' second ex parte request to modify the discovery and scheduling order 1. (Doc. No. 73), is granted; 2. The discovery deadline of October 2, 2018, and the dispositive motion deadline of December 3, 2018, are vacated; and 3. The Court will order new deadlines following a ruling on Defendants' motion for summary judgment for the failure to exhaust administrative remedies. IT IS SO ORDERED. /s/Barbara A. McAuliffe Dated: September 26, 2018