

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Plaintiff Juan Matias Torres is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

RELEVANT PROCEDURAL BACKGROUND

On May 5, 2015, Defendants Harris, R. Garza, Arnold, and Pallares filed a motion for summary judgment for lack of exhaustion of the administrative remedies.¹ (ECF No. 47.) On May 22, 2015, Defendant Fernandez filed a motion for judgment on the pleadings. (ECF No. 58.)

On June 26, 2015, Plaintiff filed an opposition to Defendants' motion for summary judgment for lack of exhaustion. (ECF No. 78.) Defendants filed a reply on July 29, 2015. (ECF No. 89.) Plaintiff filed a surreply on September 3, 2015. (ECF No. 98.)

¹ Defendant B. Garza did not move for summary judgment.

1 On July 30, 2015, Plaintiff filed an opposition to Defendant Fernandez's motion for judgment
2 on the pleadings. (ECF No. 90.) Defendant Fernandez filed a reply on September 8, 2015. (ECF No
3 99.) Plaintiff filed a surreply on October 8, 2015. (ECF No. 103.)

4 On October 5, 2015, Defendants filed a motion to modify the discovery and scheduling order
5 and extend the discovery and dispositive motion deadlines for sixty days following the resolution of
6 their exhaustion-related motion for summary judgment and motion for judgment on the pleadings.
7 (ECF No. 101.) The Court granted Defendants' motion on October 6, 2015, and stayed all merits-
8 based discovery pending resolution of Defendants' motions, granted Defendants sixty days following
9 the final ruling on their motions to respond to Plaintiff's outstanding merits-based discovery requests,
10 and indicated a new scheduling order would issue modifying the discovery cut-off date and dispositive
11 motion deadline. (ECF No. 102.)

12 On October 22, 2015, Plaintiff filed a motion requesting additional discovery in order to
13 oppose Defendants' motion for summary judgment relating to exhaustion. (ECF No. 105.)

14 On October 30, 2015, Plaintiff filed a motion to amend the complaint and motion for protective
15 order to stay ruling on Defendant Fernandez's motion for judgment on the pleadings. (ECF Nos. 106,
16 107.) Defendants filed an opposition to Plaintiff's motions on November 20, 2015. (ECF Nos. 110,
17 111.) Plaintiff filed a reply on December 11, 2015. (ECF No. 115.)

18 Plaintiff filed a subsequent motion for leave to file an amended complaint on November 23,
19 2015. (ECF No. 112.) Defendants filed an opposition on December 14, 2015. (ECF No. 116.)
20 Plaintiff filed a reply to Defendants' opposition on January 15, 2016. (ECF No. 121.)

21 On January 6, 2016, Plaintiff filed a motion to amend the complaint, and a motion to add one
22 additional page, along with a third amended complaint which was lodged by the Court. (ECF Nos.
23 117-119.)

24 On February 1, 2016, the Court issued Findings and Recommendations regarding Defendant
25 Fernandez's motion for judgment on the pleadings, Defendants' exhaustion-related motion for
26 summary judgment, and Plaintiff's motion for discovery and motions to amend. (ECF No. 123.)

27 On September 8, 2016, the Court denied in part and granted in part Defendant Fernandez's
28 motion for judgment on the pleadings, denied Defendants' exhaustion related motion for summary

1 judgment, denied Plaintiff's motion for discovery and granted in part and denied in part Plaintiff's
2 motion to amend the complaint. (ECF No. 155.)

3 **II.**

4 **ORDER**

5 Accordingly, following the resolution and denial of Defendants' motions and in accordance
6 with the order staying the scheduling order, the discovery and scheduling order filed on February 5,
7 2015, is **HEREBY AMENDED** as follows:

- 8 1. The deadline for amending the pleadings is December 15, 2016;
- 9 2. The deadline for the completion of all discovery, including filing motions to compel, is
10 March 15, 2017;
- 11 3. The deadline for filing pretrial dispositive motions is June 15, 2017;
- 12 4. Pursuant to the Court's October 6, 2015 (ECF No. 102), order Defendants have sixty
13 days from the date of service of this order to file responses to Plaintiff's outstanding
14 discovery requests; and
- 15 5. All other provisions of the Court's February 5, 2015, discovery and scheduling order
16 remain in full force and effect.

17
18 IT IS SO ORDERED.

19 Dated: September 15, 2016



20 UNITED STATES MAGISTRATE JUDGE