

2₀

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GUILLERMO CRUZ TRUJILLO,

Plaintiff,

v.

GOMEZ, et al.,

Defendants.

Case No. 1:14-cv-01370-LJO-EPG (PC)

ORDER AFTER INITIAL SCHEDULING CONFERENCE

Guillermo Cruz Trujillo ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma* pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. On June 14, 2017, the Court held an Initial Scheduling Conference ("Conference"). Plaintiff telephonically appeared on his own behalf. Counsel Derrek Lee telephonically appeared on behalf of Defendants.

During the conference, the parties discussed Defendants' intention to file a motion to dismiss or motion for summary judgment for non-exhaustion. All parties confirmed that no further discovery was needed regarding this issue. The parties discussed their positions regarding his issue. Without deciding this issue, this Court determined that the issue of non-exhaustion should be resolved before the case proceeds in full.

For the reasons stated on the record at the Conference, IT IS HEREBY ORDERED THAT:

Defendants have sixty days from the day of service of this order to file a
motion based on Plaintiff's alleged failure to exhaust administrative
remedies. The Court will not open discovery or set a schedule in this case
until that motion is resolved (unless the deadline passes and no such motion
is filed);

	Τ
	2
	3
	4
	5
	6
	7
	8
	9
1	0
1	1
1	2
1	3
1	4
1	5
1	6
1	7
1	8
1	9
2	0
2	1
2	2
2	3
2	4
2	5
2	6
2	7
2	8

- 2. Defendant Juarez has ten days from the date of service of this order to file an answer; and
- 3. The extent Defendant Juarez's Motion and Notice for Joinder (ECF No. 75) was titled a "Motion", that motion is treated as WITHDRAWN. The Notice portion of that document remains, but does not require further Court action.

IT IS SO ORDERED.

Dated: June 15, 2017

/s/ Encir P. Shory
UNITED STATES MAGISTRATE JUDGE