

1 In his motions to compel, Plaintiff seeks discovery as to the merits of his claims. However, as
2 just stated, the only remaining claim is Plaintiff's mail appeal retaliation claim against Defendant
3 Sweeney-who was granted leave to file a supplemental exhaustion-related motion for summary
4 judgment (due on or before August 29, 2016). Because the issue of exhaustion is still outstanding and
5 must be resolved prior to discovery on the merits, the Court finds the interest of justice will be best
6 served by denying Plaintiff's pending motions to compel, without prejudice, to renewal, if exhaustion
7 of the administrative remedies as to his retaliation claim against Defendant Sweeney is resolved in his
8 favor. In light of this ruling, Defendant's third motion for an extension of time to respond to
9 Plaintiff's motions to compel until after the issue of exhaustion is resolved shall be denied as rendered
10 moot.

11 Based on the foregoing, it is HEREBY ORDERED that:

- 12 1. Plaintiff's motions to compel, filed January 15, 2016, and January 22, 2016 (ECF Nos.
13 40 & 44) are DENIED, without prejudice, to renewal at a later date if appropriate; and
- 14 2. Defendant's third motion for an extension of time to respond to Plaintiff's motions to
15 compel is DENIED as MOOT.

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17 IT IS SO ORDERED.

18 Dated: August 12, 2016



19 UNITED STATES MAGISTRATE JUDGE