

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DONALD GLASS,

Plaintiff,

vs.

A. GREGORY, *et al.*,

Defendants.

Case No. 1:14-cv-01703-RRB

**ORDER GRANTING MOTION  
AT DOCKET 32 and AMENDING  
SCHEDULING AND PLANNING ORDER**

**PENDING MOTION**

At **Docket 32** Defendants A. Gregory and S. Duran have moved for a protective order staying discovery. Plaintiff has not opposed the motion.

Pending before the Court is Defendants' motion for summary judgment on the issue of exhaustion of administrative remedies.<sup>1</sup> Plaintiff's opposition to that motion is due February 12, 2016.<sup>2</sup> Plaintiff has served a Request for Production on Defendants.<sup>3</sup> In their motion Defendants seek an order staying further discovery in this matter except to the extent that discovery relates to the narrow issue of exhaustion of administrative remedies. Plaintiffs have indicated that they would provide timely (by January 11, 2016) responses to the requests to the extent the requests relate to the issue of exhaustion, i.e., Requests 10 and 15.

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<sup>1</sup> Docket 25.

<sup>2</sup> Docket 34.

<sup>3</sup> Docket 32-3.

It is the policy of this Court to determine the threshold issue of exhaustion of administrative remedies as early in the proceedings as practicable. This policy, designed to avoid unnecessary pre-trial preparation and proceedings, is intended to promote both judicial efficiency and the interests of the parties. Where, as here, the exhaustion issue is raised timely, limiting discovery to information relevant to the issue of exhaustion is consistent with and furthers that policy.

### **ORDER**

Accordingly, the Motion for Protective Order Staying Discovery at **Docket 32** is **GRANTED**.<sup>4</sup> Other than with respect to Requests 10 and 15, Defendants' response to Plaintiff's Request for Production of Documents to Defendants Gregory and Duran [Set No. 2] will be due not later than 45 days after the Court issues its ruling on Defendants' Motion for Summary Judgment.

The Court on its own volition amends the Discovery and Scheduling Order heretofore entered by the Court<sup>5</sup> as follows:

The first sentence of Paragraph 7 is amended to read: The deadline for completion of all discovery, including the filing of all motions to compel discovery, is **June 15, 2016**.

Paragraph 8 is amended to read: The deadline for filing all dispositive motions is **August 15, 2016**.

**IT IS SO ORDERED** this 2nd day of February, 2016.

S/ RALPH R. BEISTLINE  
UNITED STATES DISTRICT JUDGE

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<sup>4</sup> In ruling on this motion the Court assumes that Defendants did in fact provide Plaintiff with the documents requested in Requests 10 and 15.

<sup>5</sup> Docket 15.