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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

STEVE RIVERS,  
  
                                Plaintiff,  
  
                  v.  
  
JAGSIR SANDHU, et al.,  
  
                                Defendants.

Case No. 1:15-cv-00276-LJO-BAM (PC)  
  
**ORDER GRANTING DEFENDANT’S  
REQUEST FOR COURT TO DEFER  
CONSIDERING PLAINTIFF’S MOTION FOR  
SUMMARY JUDGMENT**  
  
(ECF No. 35)  
  
**SIXTY (60) DAY DEADLINE**

Plaintiff Steve Rivers (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action under 42 U.S.C. § 1983. This action proceeds on Plaintiff’s second amended complaint against Defendants Nguyen, Sandhu, and Lopez for violations of the Fourteenth Amendment in connection with his February 2013 infection. (ECF No. 14.)

On March 15, 2017, Defendants filed a request for an extension of time to file dispositive motions and to re-open discovery for the limited purpose of deposing Plaintiff. (ECF No. 30.) The Court granted the motion, setting the new deadline for dispositive motions and discovery for July 14, 2017. (ECF No. 33.) On April 24, 2017, Plaintiff filed a motion for summary judgment. (ECF No. 34.) Defendants’ opposition is due by May 15, 2017. Local Rule 230(l).

On April 25, 2017, Defendants filed the instant request for the court to defer considering Plaintiff’s motion for summary judgment. (ECF No. 35.) Defendants also filed a declaration of counsel in support of the request. Although Plaintiff has not had an opportunity to respond to

1 Defendants' request, the Court finds a response unnecessary. Local Rule 230(l).

2 The declaration in support of Defendants' request explains that Defendants have not had  
3 an opportunity to notice Plaintiff's deposition or to develop a factual basis to oppose Plaintiff's  
4 motion for summary judgment. Counsel states that he intends to notice Plaintiff's deposition  
5 within the next 30 days, and to file an opposition to Plaintiff's motion and Defendants' own  
6 motion for summary judgment within the next 60 days. (ECF No. 35.)

7 The Court will construe the request as a motion for extension of time to file an opposition  
8 to Plaintiff's motion for summary judgment. Having considered the request, the Court finds good  
9 cause to modify the briefing schedule in this matter. Fed. R. Civ. P. 16(b)(4); Fed. R. Civ. P.  
10 56(d)(2). The Court further finds that Plaintiff will not be prejudiced by the extension of time  
11 requested here.

12 Accordingly, Defendants' request for the court to defer considering Plaintiff's motion for  
13 summary judgment, (ECF No. 35), is GRANTED. Defendants shall file an opposition, if any, to  
14 Plaintiff's motion for summary judgment within **sixty (60) days** from the date of service of this  
15 order. Plaintiff shall file a reply, if any, within **seven (7) days** from the date of service  
16 Defendants' opposition.

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18 IT IS SO ORDERED.

19 Dated: May 1, 2017

*/s/ Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE

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