

**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 DISREGARDING PLAINTIFF'S STATEMENT OF NON-OPOSITION TO DEFENDANTS' REQUEST TO DEFER CONSIDERING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AS MOOT

(ECF No. 37)

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 Plaintiff’s 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.) On April 25, 2017, Defendants filed a request for the Court to defer considering Plaintiff's motion for summary judgment. (ECF No. 35.) Finding good cause to modify the briefing schedule, and that Plaintiff would not be prejudiced by the requested extension of time, the Court granted Defendants' motion. (ECF No. 36.)

On June 14, 2016, Plaintiff filed the instant statement of non-opposition to Defendants' request to defer considering Plaintiff's motion for summary judgment. (ECF No. 37.) As the Court has already granted Defendants' request, Plaintiff's statement of non-opposition is moot.

In his statement of non-opposition, Plaintiff further seeks clarification regarding Defendants' prior substitution of counsel. The Court notes that on March 15, 2017, Defendants filed a notice of change in designation of counsel for service to Deputy Attorney General Oliver Lewis and a request to terminate Deputy Attorney General Kevin Reager from the service list. (ECF No. 29.) Oliver Lewis is now the attorney of record for Defendants, and therefore it was appropriate for Deputy Attorney General Lewis to file Defendants' request.

Accordingly, the Court HEREBY DISREGARDS Plaintiff's statement of non-opposition to the order granting Defendants' request to defer considering Plaintiff's motion for summary judgment.

IT IS SO ORDERED.

Dated: **June 16, 2017**

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