

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

MIKE BAKER,)	Case No.: 1:15-cv-00693-AWI-BAM (PC)
)	
Plaintiff,)	ORDER DENYING PLAINTIFF’S MOTION
)	REQUESTING COURT TO MODIFY THE
v.)	SCHEDULING ORDER
)	
S. CACOA, et al.,)	(ECF No. 62)
)	
Defendants.)	
)	
)	
)	
)	

Plaintiff Mike Baker is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Non-exhaustion discovery is stayed in this matter due to Defendants’ pending motion for summary judgment under Federal Rule of Civil Procedure 56 for the failure to exhaust administrative remedies, filed on March 16, 2018. (ECF Nos. 58, 61.)

Currently before the Court is Plaintiff’s motion requesting that the Court modify the scheduling order, filed on April 2, 2018. (ECF No. 62.) Plaintiff states that “to be cautious,” he seeks an extension of the deadline to amend the pleadings in case discovery on non-exhaustion matters requires him to amend his complaint using new information discovered.

As Plaintiff’s motion is speculative, good cause is not shown to modify the discovery and scheduling order, and his request is denied. Plaintiff is not precluded from filing a motion seeking

1 leave to amend based on newly discovered evidence, if such a motion is necessary, in the future. The
2 Court takes no position on any such motion at this time.

3 Accordingly, Plaintiff's motion requesting Court modify the scheduling order, filed on April 2,
4 2018 (ECF No. 62) is HEREBY DENIED.

5
6 IT IS SO ORDERED.

7 Dated: April 3, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28