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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JARED M. VILLERY,

 Plaintiff,

 v.

JEFFREY BEARD, et al.,

 Defendants.

Case No. 1:15-cv-00987-DAD-BAM (PC)

ORDER GRANTING DEFENDANTS’
MOTION TO MODIFY THE DISCOVERY
AND SCHEDULING ORDER, AS AMENDED
(ECF Nos. 42, 43)

Exhaustion Motion Filing Deadline: **February 2,
2018**

Plaintiff Jared M. Villery is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Currently before the Court is Defendants’ motion to modify the discovery and scheduling order to extend the deadline to file a motion for summary judgment for failure to exhaust administrative remedies by thirty days, to February 2, 2018, (ECF No. 42), as amended, (ECF No. 43.) Plaintiff has not responded to the motion, but upon review of it and consideration of the issues raised therein, the Court does not find any response necessary. Plaintiff will not be prejudiced by the consideration of the motion, and it is deemed submitted. Local Rule 230(1).

The discovery and scheduling order was issued in this case on October 3, 2017. (ECF No. 33.) In a supporting declaration, defense counsel declares that Defendants promptly propounded exhaustion-related discovery on Plaintiff on October 17, 2017. Defendants seek an extension of time based on the fact that Plaintiff’s discovery responses related to exhaustion issues were slightly

1 delayed, and contained nearly 640 pages. Based on the delayed receipt and the extensive amount of
2 material received, defense counsel requires additional time to review the responses and determine if
3 grounds exist to file a motion for summary judgment based on the failure to exhaust.

4 Defense counsel further declares that Plaintiff does not oppose the requested extension, and
5 has attached a letter from Plaintiff in support. Plaintiff's letter states that he required some
6 additional time to complete his discovery responses and that he understands this affects defense
7 counsel's ability to determine whether there would be grounds for any exhaustion-related summary
8 judgment motion. The letter further states that in consideration of these issues, Plaintiff stipulated to
9 an extension of the current deadline. (ECF No. 43-1, at p. 40.)

10 Good cause being shown, the Court HEREBY GRANTS Defendants' motion to modify the
11 discovery and scheduling order, as amended. The deadline for filing motions for summary judgment
12 under Federal Rule of Civil Procedure 56 for failure to exhaust administrative remedies extended to
13 **February 2, 2018.**

14
15 IT IS SO ORDERED.

16 Dated: December 7, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE