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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VANCE EDWARD JOHNSON,
Plaintiff,
v.
S. HONNOLD,
Defendant.

1:15-cv-01118-LJO-MJS (PC)
**ORDER GRANTING DEFENDANT'S
MOTION TO MODIFY THE SCHEDULING
ORDER**
(ECF No. 35)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The action proceeds on Plaintiff's complaint against Defendant S. Honnold for medical indifference in violation of the Eighth Amendment.

Pending before the Court is Defendant's July 8, 2016, motion to modify the Court's Discovery and Scheduling Order, specifically the July 19, 2016, deadline for filing a motion for summary judgment under Federal Rule of Civil Procedure 56. Defendant so moves on the ground that new counsel recently substituted in; Defendant is awaiting discovery responses from Plaintiff that will inform the investigation and provide grounds for an exhaustion motion; and a necessary declarant in Defendant's exhaustion motion,

1 the Custodian of Records for the Office of Appeals, is unavailable from July 18 through
2 July 29, 2016. Good cause appearing, Defendant's motion will be granted. See Fed. R.
3 Civ. P. 16(b)(4).

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Defendant's motion to modify the scheduling order (ECF No. 35) is
6 GRANTED;
- 7 2. The April 19, 2016, Discovery and Scheduling Order (ECF No. 28) is amended
8 to allow Defendant to file a motion for summary judgment for failure to exhaust
9 administrative remedies on or before August 18, 2016. **All other dates shall**
10 **remain the same.**

11 IT IS SO ORDERED.

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13 Dated: July 16, 2016

14 /s/ Michael J. Seng
15 UNITED STATES MAGISTRATE JUDGE
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