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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

OUSSAMA SAHIBI,
Plaintiff,
v.
GONZALES, et al.,
Defendants.

No. 1:15-cv-01581 LJO DLB PC
ORDER DENYING DEFENDANTS’
MOTION TO STAY DISCOVERY WITHOUT
PREJUDICE
(Document 38)
ORDER GRANTING THE PARTIES’
REQUEST FOR ADDITIONAL TIME TO
RESOND TO DISCOVERY
(Documents 38 and 39)

Plaintiff Oussama Sahibi (“Plaintiff”), a state inmate in the custody of the California Department of Corrections and Rehabilitation (“CDCR”), is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on October 16, 2015, and it proceeds on the following claims: (1) violation of the Eighth Amendment against Defendants Gonzales, Smith, Cope, Lozano and Stan; and (2) violation of the Fourteenth Amendment against Defendant Crouse.

The Court issued a Discovery and Scheduling Order on June 6, 2016.

Defendants Gonzales, Smith, Cope, Lozano and Stan filed a motion for judgment on the pleadings on July 1, 2016, which is currently pending. The motion is based on Defendants’

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1 contention that Plaintiff's excessive force claim is barred by *Heck v. Humphry*, 512 U.S. 477
2 (1994).

3 On July 28, 2016, Defendants Gonzales, Smith, Cope, Lozano and Stan filed a motion to
4 stay discovery, or in the alternative, limit discovery to exhaustion. Defendant Crouse joined in
5 the motion on July 29, 2016.

6 Defendants move to stay discovery, or limit discovery to exhaustion, because they intend
7 to file a motion challenging the exhaustion of Plaintiff's claims. While they may be entitled to a
8 stay at that time, the Court will not stay discovery *prior* to the filing of an exhaustion challenge.
9 Accordingly, Defendants' motion is DENIED WITHOUT PREJUDICE.

10 Both Plaintiff and Defendants have requested additional time to respond to discovery
11 requests. As the Court has not stayed discovery, the Court will GRANT the parties an additional
12 forty-five days from the date of service of this order to respond to discovery.

13
14 IT IS SO ORDERED.

15 Dated: August 15, 2016

/s/ Dennis L. Beck
16 UNITED STATES MAGISTRATE JUDGE