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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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

CASE No. 1:15-cv-01581-LJO-MJS (PC)
ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION TO MODIFY THE DISCOVERY AND SCHEDULING ORDER
(ECF NO. 90)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 28 U.S.C. § 1983. The action proceeds on Plaintiff's Eighth Amendment excessive force claim against Defendants Cope, Gonzales, Lozano, Smith, and Stan, and on a Fourteenth Amendment due process claim against Defendant Crouse.

On January 31, 2017, Plaintiff filed a motion to compel. (ECF No. 83.) Defendants filed oppositions. (ECF Nos. 85-89.) Plaintiff filed no reply. On March 3, 2017, the Court ordered Defendants to submit specified materials for in camera review in relation to the motion to compel. (ECF No. 94.) The motion remains pending.

Meanwhile, on February 23, 2017, Defendants Cope, Gonzales, Lozano and Stan moved to modify the discovery and scheduling order to extend the dispositive motion deadline from March 4, 2017 to April 3, 2017. (ECF No. 90.) Defendants Crouse and

1 Smith joined in the motion. (ECF No. 91.) Defendants state that they have been unable
2 to finalize their motion for summary judgment because they do not know which
3 documents, if any, they will be compelled to disclose in relation to Plaintiff's motion to
4 compel, and whether they will be able to rely on these documents in their own motion for
5 summary judgment. Additionally, counsel requires additional time to prepare and finalize
6 Defendants' declarations due to an intervening trial in another, unrelated matter.

7 The motion will be denied as moot with respect to Defendant Crouse. Crouse
8 timely filed his motion for summary judgment on March 2, 2017. (ECF No. 92.)

9 The motion will be granted with respect to the remaining Defendants. However, in
10 light of the March 3, 2017 order requiring Defendants to submit additional documents for
11 in camera review and the recent submission of said documents to the Court, the Court
12 finds it unlikely that the motion to compel will be resolved in advance of the April 3, 2017
13 deadline proposed by Defendants. Accordingly, the Court will extend the dispositive
14 motion deadline to and including May 3, 2017.

15 Based on the foregoing, it is HEREBY ORDERED that:

- 16 1. Defendants' motion to modify the discovery and scheduling order is
17 GRANTED IN PART AND DENIED IN PART as described herein; and
- 18 2. Defendant Cope, Gonzales, Lozano, Smith, and Stan's deadline to file a
19 dispositive motion is extended up to and including May 3, 2017.

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21 IT IS SO ORDERED.

22 Dated: March 19, 2017

1st Michael J. Seng
23 UNITED STATES MAGISTRATE JUDGE
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