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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

VASILIS SAKELLARIDIS,

Plaintiff,

v.

J. CABRERA,

Defendant.

Case No. 1:15-cv-01776-DAD-MJS (PC)

**ORDER GRANTING DEFENDANT'S  
MOTION TO MODIFY SCHEDULING  
ORDER AS TO EXHAUSTION MOTION  
DEADLINE**

**(ECF Nos. 15 & 17)**

**MODIFIED EXHAUSTION MOTION  
DEADLINE: OCTOBER 28, 2016**

Plaintiff Vasilis Sakellaridis, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on November 24, 2015. (ECF No. 1.) Plaintiff's complaint proceeds against Defendant J. Cabrera for retaliation in violation of the First Amendment of the United States Constitution.

Pending before the Court is Defendant's September 2, 2016 motion for a forty-five extension of the deadline to file an exhaustion motion, to October 28, 2016. (ECF No. 17.) To date, Plaintiff has not filed an opposition. The matter is submitted. Local Rule

1 230(l).

2 Defendant moves for an extension on the grounds that Plaintiff's transfer to an out-  
3 of-state prison led to administrative delays in scheduling Plaintiff's deposition. Plaintiff's  
4 deposition was ultimately scheduled for September 15, 2016; the exhaustion motion  
5 deadline was September 13, 2016. (ECF No. 15.)

6 The Court may modify its scheduling order upon a showing of good cause. Fed.  
7 R. Civ. P. 16(b)(4). Good causing appearing, IT IS HEREBY ORDERED:

- 8 1. Defendant's motion to modify the scheduling order to extend the exhaustion
- 9 motion deadline (ECF No. 17) is GRANTED; and
- 10 2. Any motion for summary judgment for failure to exhaust administrative
- 11 remedies must be filed on or before **October 28, 2016**.

12 IT IS SO ORDERED.

13 Dated: September 22, 2016

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

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