

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 IN PART  
DEFENDANT'S MOTION TO MODIFY  
SCHEDULING ORDER AS TO  
DISPOSITIVE MOTION DEADLINE**

**(ECF Nos. 34)**

**DISPOSITIVE MOTION DEADLINE  
STAYED PENDING RESOLUTION OF  
DEFENDANT'S EXHAUSTION MOTION**

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.

On February 1, 2017, this Court issued findings and recommendations to grant Defendant's motion for summary judgment on exhaustion grounds. (ECF No. 29.) Those findings are currently pending before the District Judge assigned to this case.

1 Pending before the Court is Defendant's April 4, 2017 motion for a sixty (60) day  
2 extension of the dispositive motion deadline, currently set for April 24, 2017. (ECF No.  
3 34.) Should the District Judge decline to adopt the findings and recommendations,  
4 Defendant intends to file a substantive motion for summary judgment. (Decl. of E. Rhoan  
5 in Supp. of Mot. to Modify Sched. Order (ECF No. 34 at 2.))

6 The Court may modify its scheduling order upon a showing of good cause. Fed.  
7 R. Civ. P. 16(b)(4). The Court finds that good cause exists to grant Defendant's motion  
8 to modify the scheduling order. However, the Court finds it appropriate to stay the  
9 dispositive motion deadline pending the outcome of Defendant's exhaustion motion.

10 For the foregoing reasons, IT IS HEREBY ORDERED:

- 11 1. Defendant's motion to modify the scheduling order as to the dispositive motion  
12 deadline (ECF No. 34) is GRANTED in part; and
- 13 2. The Court hereby STAYS the dispositive motion deadline, currently set for April  
14 24, 2017, until 30 days after the District Judge issues his Order on Defendant's  
15 exhaustion motion.

16  
17 IT IS SO ORDERED.

18 Dated: April 18, 2017

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE

19  
20  
21  
22  
23  
24  
25  
26  
27  
28