## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

JOSE GALICIA,	) Case No.: 1:16-cv-00011-DAD-SAB (PC)
Plaintiff, v.	) ORDER DEEMING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT FILED NOVEMBER 21, 2016, SUBMITTED FOR
T. MARSH, et al.,	) REVIEW
Defendants.	) [ECF Nos. 40, 53, 58]
	<u>,</u>

Plaintiff Jose Galicia is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On November 21, 2016, Defendants Jennings and Guzman filed a motion for summary judgment based on Plaintiff's failure to exhaust the administrative remedies as to his claims against them.

On December 15, 2016, Plaintiff was granted an extension of time to file his opposition.

On January 26, 2017, Plaintiff filed a declaration in opposition to Defendants' motion and a request to stay ruling on the summary judgment motion.

On February 28, 2017, the Court granted Plaintiff's request to stay ruling on the summary judgment, and permitted Plaintiff to serve limited discovery requests within twenty-one days of the date of service of the order, i.e. March 21, 2017. (ECF No. 53.) The Court also ordered that: (1) Defendants respond to Plaintiff's discovery requests within thirty days of service of the Court's order;

(2) Plaintiff file his opposition within thirty days of receiving responses to discovery; and (3) Defendants file their reply within fourteen days of service of the opposition. (<u>Id.</u>)

Defendants submit that they have not received any discovery requests from Plaintiff and therefore limited discovery closed on March 21, 2017. Although the Court's order did not directly indicate the due date of Plaintiff's opposition in the event that Plaintiff failed to propound discovery, pursuant to the Court's order Plaintiff's opposition should have been filed within thirty days of the close of discovery on April 20, 2017. To date, no opposition has been filed and therefore Defendants' motion for summary judgment filed on November 21, 2016, is deemed submitted for review without oral argument pursuant to Local Rule 230(l).

IT IS SO ORDERED.

Dated: **May 19, 2017** 

UNITED STATES MAGISTRATE JUDGE