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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

EDWARD LUNA,	)	Case No.: 1:16-cv-00313-LJO-SAB (PC)
Plaintiff,	)	
v.	)	ORDER GRANTING DEFENDANT’S REQUEST
	)	TO VACATE THE CURRENT DISCOVERY AND
DR. MOON, et al.,	)	SCHEDULING ORDER TO REISSUANCE, IF
Defendants.	)	NECESSARY, AFTER RESOLUTION OF THE
	)	PENDING EXHAUSTION-RELATED MOTION
	)	FOR SUMMARY JUDGMENT
	)	
	)	[ECF No. 53]
	)	
	)	
	)	

Plaintiff Edward Luna is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This case proceeds on Plaintiff’s second amended complaint against Defendants Ulit, Moon, and Wang for deliberate indifference to a serious medical need in violation of the Eighth Amendment.

On August 1, 2018, Defendants filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 for the failure to exhaust available administrative remedies. (ECF No. 43.) Under the Court’s March 30, 2018 discovery and scheduling order, (ECF No. 33), modified on May 22, 2018 (ECF No. 38), discovery closes on November 30, 2018, and dispositive motions are due on or before February 7, 2019.

Currently before the Court is Defendants’ request to vacate the current discovery and scheduling order, pending the outcome of the pending motion for summary judgment. (ECF No. 53.) Defendants have not yet noticed Plaintiff’s deposition because of the pending exhaustion motion, as

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the motion may narrow the grounds upon which this case proceeds, and the ruling on the motion may affect the scope of any additional motions for summary judgment.

Good cause having been presented to the Court, it is HEREBY ORDERED that Defendants' motion is granted. The Court will issue, if necessary, a modified discovery and scheduling order after resolution of the pending exhaustion-related motion for summary judgment.

IT IS SO ORDERED.

Dated: October 16, 2018

  
UNITED STATES MAGISTRATE JUDGE