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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DELBERT J. SMITH,
Plaintiff,
v.
C. HERNANDEZ, et al.,
Defendants.

Case No. 1:16-cv-01267-DAD-SAB (PC)
ORDER GRANTING DEFENDANTS’
MOTION TO MODIFY THE DISCOVERY
AND SCHEDULING ORDER
(ECF No. 45)

Plaintiff Delbert J. Smith is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 9, 2017, the Court issued findings and recommendations on Plaintiff’s amended complaint, recommending this action proceed on certain claims and dismissing other claims and defendants. (ECF No. 43.) The findings and recommendations were submitted to the District Judge, and the parties were provided thirty days to object to the findings and recommendations.

Currently before the Court is Defendants’ motion to modify the discovery and scheduling order pending a ruling on Plaintiff’s amended complaint. Under the Court’s February 1, 2017 discovery and scheduling order, the deadline for dispositive motions is December 11, 2017. Defendants argue that there is insufficient time to prepare such a motion before the claims in this case are finalized by the District Judge’s ruling on the pending findings and recommendations.

1 As a result, Defendants seek for the Court to modify the scheduling order to extend the
2 dispositive motion deadline depending on the timing of the District Judge's order.

3 Good cause being shown, Defendants' motion to modify the discovery and scheduling
4 order is HEREBY GRANTED. The dispositive motion deadline in the Court's February 1, 2017
5 discovery and scheduling order is VACATED, pending further order of the Court.

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7 IT IS SO ORDERED.

8 Dated: November 29, 2017


UNITED STATES MAGISTRATE JUDGE

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