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

DERRYL TYRONE FOSTER,)	Case No.: 1:16-cv-01839-AWI-SAB (PC)
)	
Plaintiff,)	
)	ORDER DENYING PLAINTIFF’S MOTION TO
v.)	CONCLUDE THE DISCOVERY DEADLINE
)	BEFORE THE FINAL RULING BY THE
J. HUEWE, et al.,)	DISTRICT JUDGE
)	
Defendants.)	[ECF No. 45]
)	
)	
)	

Plaintiff Derryl Tyrone Foster is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff’s motion requesting to complete his discovery before the District Judge issues a final ruling on Defendants’ December 6, 2017 motion for summary judgment. (ECF No. 45.) Plaintiff argues that the discovery and scheduling order provided a deadline of May 13, 2018 to complete discovery. Therefore, he asserts, this case may not become final until that deadline is complete.

On March 16, 2018, the District Judge granted Defendants’ summary judgment motion and dismissed this action, without prejudice, for the failure to exhaust administrative remedies. (ECF No. 43.) Judgement was entered accordingly that day. (ECF No. 44.) Therefore, this case is closed and discovery is moot. The deadlines set earlier in the case were for scheduling purposes and cease to operate once this case is closed, as it was by the March 16, 2018 ruling.

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Accordingly, Plaintiff's motion to conclude the discovery deadline before the final ruling by the District Judge (ECF No. 45) is HEREBY DENIED.

IT IS SO ORDERED.

Dated: March 19, 2018



UNITED STATES MAGISTRATE JUDGE