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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 CARLTON R. CALLINS,

12 Plaintiff,

13 v.

14 C. PFEIFFER, et al.,

15 Defendants.  
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Case No. 1:17-cv-00840-DAD-EPG (PC)

ORDER FOLLOWING INITIAL  
SCHEDULING CONFERENCE

17 Carlton Callins (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis*  
18 in this civil rights action filed pursuant to 42 U.S.C. § 1983. On September 11, 2019, the Court  
19 held an Initial Scheduling Conference (“Scheduling Conference”). Plaintiff telephonically  
20 appeared on his own behalf. Counsel Robert Perkins and Jon Allin telephonically appeared on  
21 behalf of Defendants.

22 Based on input from the parties, and for the reasons discussed on the record, the Court  
23 determined that the issue of exhaustion of available administrative remedies should be decided  
24 before the case proceeds further.

25 Accordingly, for the reasons stated on the record at the Scheduling Conference, IT IS  
26 ORDERED that:

- 27 1. The case is stayed, except for the issue of exhaustion of available administrative  
28

1 remedies.

- 2 2. Discovery is opened only as to the issue of exhaustion of available  
3 administrative remedies. Responses to discovery requests are due within thirty  
4 days after service of the request.
- 5 3. Defendants have until November 22, 2019, to file a motion for summary  
6 judgment on the basis that Plaintiff failed to exhaust his available administrative  
7 remedies, or to file a statement that they are waiving their exhaustion defense. If  
8 Defendants file a motion for summary judgment, Plaintiff's opposition is due  
9 December 20, 2019, and Defendants' reply is due January 15, 2020.
- 10 4. The Court will issue a further schedule once the issue of exhaustion is decided,  
11 or upon further order of the Court.

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13 IT IS SO ORDERED.

14 Dated: September 11, 2019

15 /s/ Eric P. Gray  
16 UNITED STATES MAGISTRATE JUDGE  
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